Volume V Number 1

MISSISSIPPI LAW JOURNAL

NOVEMBER, 1932

Published by
UNIVERSITY OF MISSISSIPPI LAW SCHOOL
and
MISSISSIPPI STATE BAR

PROCEEDINGS
OF THE
FIRST ANNUAL MEETING
OF THE
MISSISSIPPI STATE BAR

Entered as second class matter at the Post Office at University, Mississippi, with additional entry at the Post Office at Jackson, Tennessee.

$3.00 PER ANNUM . . . . . 75 CENTS PER NUMBER

Editorial and Business Office . . . . . UNIVERSITY, MISS.

MISSISSIPPI LAW JOURNAL

JOURNAL *of the* MISSISSIPPI STATE BAR

VOL. V. NOVEMBER, 1932 No. 1

MEMBERS OF THE LAW JOURNAL BOARD

BAR COMMITTEE:
HON. W. G. ROBERDS, CHAIRMAN
WEST POINT
HON. JEFF TRULY
FAYETTE
HON. LOUIS M. JIGGITTS
JACKSON
HON. FRANK EVERETT
INDIANOLA

EDITORIAL BOARD:
LESLIE DARDEN, EDITOR
NELSON CAUTHEN, NOTE EDITOR
PAT D. HOLCOMB, CASE EDITOR
JOHN W. WADE, BUSINESS MANAGER

ASSOCIATE EDITORS:

BERT JONES SIDNEY MAY BEN GUIDER

CONTENTS

PROCEEDINGS OF THE

FIRST ANNUAL MEETING

OF THE

MISSISSIPPI STATE BAR

HELD AT

Jackson, Mississippi, September 1-2, 1932.

Entered as second class matter at the Post Office at University, Mississippi, with additional entry at the Post Office at Jackson, Tennessee.

Subscription Price

$3.00 PER ANNUM 75 CENTS PER NUMBER

Editorial and Business Office . . UNIVERSITY, MISS.

Press of McCowat-Mercer] [*Jackson, Tenn.*

Digitized by the Internet Archive
in 2012 with funding from
LYRASIS Members and Sloan Foundation

http://archive.org/details/mississippilawjo05proc

PROCEEDINGS

OF THE

First Annual Meeting

OF THE

Mississippi State Bar

HELD AT

JACKSON, MISSISSIPPI

September 1st and 2nd

1 9 3 2

PROCEEDINGS OF THE FIRST ANNUAL MEETING OF THE

MISSISSIPPI STATE BAR

Jackson, Miss., September 1st, 1932.
10:00 o'clock A. M.

PRESIDENT VENABLE: The State Bar Association will come to order, and I will ask you to stand and be led in prayer by Dr. J. B. Hutton, pastor of the First Presbyterian Church.

DR. HUTTON: The earth is the Lord's, and the fullness thereof; the world, and they that dwell therein. Thou hath created all things, Oh God, and thou carest for all that thou hath created. Thou ruleth over all things, and thou ruleth well. Thy kingdom, founded on wisdom, justice and righteousness, is an everlasting kingdom; and we would inaugurate the services of this hour with the reverential homage which we pay to thy name, that name that is above every name. Thou art God, over all, blessed forever more. We would begin the exercises of this great assembly conscious of our entire dependence upon thee for all that makes counsel wise and conduct right.

At this time in the history of the commonwealth and of the Nation, and of the nations of the earth, when all patriotic men are asking what will make secure the foundations of government, give us domestic tranquility and perpetuate the Christian civilization, we would humbly come unto thee and ask that thy servants in their deliberations may seek to know what is right; may have minds free from the blinding passions and prejudices; may ask humbly what they can do to render a service to their fellow man, to their country, and to their God. We pray for thy favor upon them throughout all of these deliberations.

We thank thee for all that has been done by this great commonwealth in giving to men the laws which secure human freedom and have brought contentment, peace and prosperity to our people.

We pray that thou would help them this morning to recognize that they are favored by thee by being endowed with talents that are above many of those of their fellows; that they are favored by thee in having given to them the opportunities for improving these talents, so that they understand, perchance, as no other body of men in this commonwealth does understand, the true nature, foundations and meaning of law.

We pray that those who know the law may inspire their fellowmen by leading all other classes to obey the law. We ask thee to help them to understand, and all of our people to understand, that it is righteousness that exalteth a nation; that it is sin that is a reproach unto any people. Forbid that they should forget, or that any of our people should forget, that in this land of natural resources and of wonderful production, that at this time when we have at our command nature's power as no generation of men have ever had, we pray that we may all understand, that in the land of abundance and plenty, and yet in the land where millions are today perplexed and bothered without a means of securing the bare necessities of life, that the fault of all of this is not with thee, Oh, God, but that it is with men; and when we invoke thy blessings to rest upon those who have high ethical standards, we would thank thee for that last safeguard of a people's rights, a people's security, an incorruptible judiciary.

And now we pray that for the time that is to be that the examples of the past shall inspire, and that these men shall walk in the ways that the laws of God and the laws of the land have marked out, and have the blessings of those who fear God and who keep His commandments. We ask it in Jesus' name. Amen.

PRESIDENT VENABLE: I will ask Mr. Cox to come to the stand, and also Mayor Scott. It is my pleasure to introduce to you Honorable W. H. Cox, who will introduce the Mayor of the City of Jackson.

MR. COX: Mr. President, Fellow Members of the Mississippi State Bar Association, Our Guests: I want to thank first my friends who have shown me the kindness to give me this place on their program.

It occurs to me that it is not only fitting but proper that the first meeting of the Mississippi State Bar Association should be held in your Capitol City. We have with us at this time Mayor Walter A. Scott, Mayor of the City of Jackson, who is to extend the official welcome.

Mr. Scott has been Mayor of the City of Jackson con-

tinuously for the past sixteen years, and I feel that Mayor Scott is as well known to everybody in the State of Mississippi as some of our best known state officials, and that Mayor Scott needs no introduction to a Mississippi convention, and least of all does he need an introduction to a convention of Mississippi lawyers.

I take pleasure at this time in presenting to you Honorable Walter A. Scott, Mayor and Mayor-elect of the City of Jackson, who will welcome you. (Applause.)

MAYOR SCOTT: Mr. President, Mr. Cox, Ladies and Gentlemen: It is a real pleasure to have the opportunity to come here this morning, and, as the Chief Executive of the City of Jackson, to extend you a most hearty and cordial welcome.

We are especially pleased to have your distinguished guest here, your National President. We feel it is an honor to the City of Jackson to have him come here.

To those of you from over the State who are frequently with us I want to say that we are always glad to have you in the City of Jackson. I know you are going to have a good time here. When I look out over this crowd and see so many of our local members of the Bar, I know they have prepared a royal welcome for you, and also proper entertainment. They know the ropes. I see them so often in Police Court at the Bar of Justice—sometimes with a client—that I am sure they know the ropes.

I want to say to you that all police regulations have been withdrawn while you are in the City of Jackson; Police Court will not be in session; and if our local boys should happen to lead you astray, you can just rest assured that you are not going to have any practice down at the Police Court while you are in Jackson. (Applause.)

We are always glad to have visitors come to us from the other parts of the State and the country to visit the Capitol City. Those of you who live in the State of Mississippi, we believe you are vitally interested in the City of Jackson, because it is your Capitol; we believe that you are proud of this city. We are trying to make it one of the outstanding cities in the United States; we believe that we are making some progress along that line, with the help of the good citizens of this city and of the State of Mississippi.

I know your stay is going to be most pleasant, and I am sure it will be profitable. If we can do anything to make it more so, I hope you will call on us. I thank you. (Applause.)

PRESIDENT VENABLE: It is now my pleasure to introduce to you Honorable James McClure, who on behalf of

the State Bar will respond to the Address of Welcome of the Mayor.

MR. McCLURE: Mr. President, Ladies and Gentlemen: In behalf of the members of the Mississippi State Bar Association, I accept the most cordial and hospitable welcome which has just been extended to us by the Mayor of the City of Jackson, the Honorable Walter A. Scott. I thank you, Mr. Mayor, for the generous welcome given and for the elaborate plans which have been made for our entertainment and pleasure. I assure you, Sir, that all of the members of this Association have been looking forward with pleasure to this meeting in Jackson.

Just a few years ago this Association held one of its annual meetings in Jackson, and we recall the hearty welcome given, the delightful entertainment provided, and the good time we all had. It is good to be back in Jackson again, and it is a comfort to know that this Association has not worn its welcome out here. We enjoy coming to Jackson, not only because of the royal manner in which we are entertained, but we find here many places of historic interest, of culture, and of natural beauty; but above all else we find here a refined and intelligent group of people who have made Jackson an acknowledged center of all that is highest and best in our state, and, indeed, have made of her Mississippi's greatest city.

We promise to enjoy our stay here, but our visit is not for pleasure alone. We hope that we may do some good here, and we invite you, Mr. Mayor, and the people of Jackson, to attend our sessions. I hope that you will find profit by coming. I assure you that you will find our meetings interesting, if not entertaining.

Many subjects will probably be discussed in which legal terms will be used, such as *per curiam, status quo, et cetera.* In speaking of the term *status quo,* I am reminded of a story told recently about a negro preacher who lived in the northern part of the State. This negro announced one Sunday morning to his congregation that he would preach on and to the text *"Status Quo."* After he had announced the text to his congregation one of the faithful members arose and asked the preacher what he meant by the term *"Status Quo."* The preacher responded: *"Status Quo* am de fix that we now find ourselves in." (Laughter.)

The *"Status Quo"* of the world and of society, according to the definition of that term as given by the negro preacher, that is, "the fix in which we find ourselves today," is the most serious that our generation has ever

seen. We hear of despondency, of despair, and of gloom in every hamlet in the land. We hear that the costs of government are so high that the people are no longer able to bear them; that the question of taxation is almost insoluble. These and kindred questions have arisen, and will arise, throughout the ages of civilization. The question comes: What do these conditions have to do with the law and with the lawyer? I am of the opinion that the law does not lead civilization, but that it follows in its wake; that it is the office and the purpose of the law to regulate the relations of men with each other, and their relation to the state. This relation, however, must first come and must first be established before there is anything for the law to regulate. Hence, the law is not responsible for the conditions that now exist, but it is now the office of the law to regulate these conditions; to bring order out of chaos; to bring contentment and happiness again to society; and, if need be, justice out of injustice.

It is the work of the lawyer to write and frame the law; and there never was a greater demand for that work on the part of the lawyer than at this time. The challenge and the cry to the lawyer is to write the law so as to guarantee the permanency of our government; to guarantee to society the pursuit of happiness and liberty; to dispel the gloom that is now abroad in the land. I make bold to predict that the lawyer will meet and accept the challenge, and that the members of this Association and their work here will be to that end.

In conclusion, Mr. Mayor, I again thank you for the hearty welcome given us and for the entertainment promised; and I trust, Sir, that we may have the strength and capacity to partake of the many good things that are in store for us. (Applause.)

PRESIDENT VENABLE: I will now ask Mr. Stovall and Mr. Watkins to conduct the speaker of the morning to the stand. (Applause.)

Gentlemen of the State Bar, Ladies and Gentlemen: We are signally honored in having as the speaker for this occasion one of the most eminent lawyers in the United States; one who has proven his mettle in the fierce fires of professional life, and who has risen to a pre-eminent position among the lawyers of the country. His professional achievements have been great, but there is something about his life which to the Bar of America is of far more importance. Along with the talents which have won for him his great success in his professional pursuits, there was given

to him a great public spirit which impelled him to interest himself in his profession, not alone for the gaining of personal objectives, but to do what he could to mold and fashion the sentiment of the profession for its high public service. He had those qualities in such great degree, and manifested them to such a large extent, that the greatest body of lawyers in America, the American Bar Association, elevated him to their highest position.

Further commendation of his qualities and attainments is unnecessary; further introduction is needless. It is my pleasure and honor to introduce to you Honorable Guy A. Thompson, President of the American Bar Association. (The Association arose amid continuous applause.)

ADDRESS OF HON. GUY A. THOMPSON

HON. GUY A. THOMPSON: Mr. President, Ladies and Gentlemen of the Mississippi Bar: In the extravagance of the praise heaped upon me by your President in his introduction, and in that only, I am reminded of an incident in the life of Senator Thomas H. Benton, of Missouri, as it was related to me by my father's family physician, who died about ten or twelve years ago, at a very ripe old age. He said that when he was a young man he was a great admirer of Senator Benton, and we in Missouri today admire the memory of Senator Benton because we consider him to have been a very great man. And Senator Benton was a very vain man, as those among you who are familiar with his history will recall. He never referred to himself by the use of the personal pronoun; he never said "I think this" or "I said that"; always "Benton thinks"; "Benton said thus and so." Doctor Atwood told me that he and several companions decided to go out to the town of Union, Missouri, which is about thirty-five miles west of St. Louis, to hear Senator Benton make a speech in his last campaign—in which campaign, by the way, he was defeated. He said the speech was delivered out in the open from a platform constructed in a grove of trees, and that as he recalled it Senator Benton made a great speech; and at the conclusion of his speech an enthusiastic admirer away back in the audience, after attempting for a long time, finally got the attention of the chairman and said: "Mr. Chairman, I desire to move some resolutions." The Chairman said: "Very well, proceed." So he read: "Resolved 1: That Thomas H. Benton is the greatest man who ever lived; Resolved 2: Thomas H. Benton is the greatest man now living; Resolved 3: Thomas H. Benton is the greatest man who will ever live. I move the adoption of the resolution, Mr. Chairman." The motion was seconded, put and carried with a whoop. Thereupon, Doctor Atwood said, Senator Benton, who had taken his seat on the rear of the platform, arose and strutted majestically forward to the front, bowed to the audience and said:

"Ladies and Gentlemen: You have done me simple justice." (Applause.)

I cannot respond in kind. Nevertheless, your eulogy, which is very pleasing, reminded me of that incident.

It is hardly necessary for me to say that I greatly appreciate the invitation to come here, and that I esteem it now a great honor to be here and to have the privilege of addressing you.

I am not unfamiliar with the history of the Bar of Mississippi, and no one knows better than do I how great has been her contribution in those heroic figures who have adorned and made glorious the history of the American Bar. Furthermore, I am not unmindful—indeed, I shall never forget—that when in Atlantic City last year the General Council of the American Bar Association approached the task of making nominations for the office of President, your Mr. Jones, Member of the General Council representing the State of Mississippi, cast his vote, and through himself the vote of Mississippi, for me for that high office.

I also have known for many years intimately your Mr. Stovall and your Mr. Watkins, and though I thought for a time it would be impossible for me to accept your kind invitation, when I reflected upon these things that I have just mentioned, I determined that nothing should interfere with my being here this morning.

And now, because of the position which I have the honor for a very short time to continue to occupy, I think it would not be inappropriate for me to refer, in part at least, to some matters in connection with the American Bar Association. Furthermore, doubtless many of you here assembled are members of that Association and would be interested.

It was in 1878 that seventy-five lawyers, from twenty states and the District of Columbia, assembled in Saratoga Springs, New York, and formed the American Bar Association. This was about fifty-four years ago. The Association ever since has remained a voluntary unincorporated one, with its originally expressed objects unchanged. The membership today approximates 30,000; the dues are $8.00 a year, $1.50 of which is for the American Bar Association Journal. Thus, our annual revenues from dues approximate $200,000.00, of which $38,000.00 or thereabouts go to the Journal; $6,500.00 are annually given to the conference of Commissioners on Uniform State Laws; about $6,000.00 customarily expended on the maintenance of the building of the Association in Chicago, and $98,000.00 to defray the running expenses of the Association; by that I mean the expenses of maintaining the office in Chicago, the expenses of the annual meeting and of printing the annual report of the Association, and approximately $50,000.00 to the various sections and committees. There are seven sections, the Conferences of Bar Association Delegates, and twenty-five committees. This amount that is appropriated to them that I have mentioned is utterly inadequate

to allow some of these sections and committees to function with their full efficiency, to permit them to have more frequent conferences of the members, do necessary research work, print and properly distribute among the public and public officials the results of their labors, and distribute them as well among non-professional groups that are interested, and that can be of material assistance in making effective the work that is done.

I have been impressed with the willingness of lawyers to render committee service. On the twenty-five committees I have referred to are 140 men and women. It will interest you, I think, to know that I appointed 137 of these 140 without any conference or consultation, directly or indirectly, with any to learn whether they would serve, and that of the 137 so appointed, but three declined to serve—conclusive evidence, I think, if we need any, of the willingness of the lawyers to render unselfish public service.

Now, the question of membership interested me in the very beginning. I was much surprised to learn that the membership of the Association had been practically at a standstill for the past five years. The times considered, this seemed to me to be most alarming, not only because of the times, which threatened wholesale resignations, but also because when growth ceases usually disintegration has begun. Therefore, it seemed to be highly desirable that some special effort be made to recruit additional members. A special effort has been made, and despite the depression, I am very happy to be able to report to you gentlemen here this morning who are members of the American Bar Association that we have recruited more members during the past year than during any year in the history of the Association. The membership roll thus far has increased by something a little in excess of 5,000, and it is still growing.

The matter of expenses was important; so, that with the approval of the Executive Committee a special committee to survey the expenses of the Association was appointed. It has done that work, with the result that economies have been instituted.

The question of annual meetings seemed to me to be of importance; I mean by that, it seemed to me that our annual meetings were a little too routine, too dull, too void of active interest. This has been due, I think, to the seeming necessity for economizing in time. You know the routine. We have the address of welcome, the President's annual address, the report of the Executive Committee, the Treasurer and Secretary, and then each chairman of each section and of each committee summarizes his section and committee report for perfunctory approval by the Association, rarely any discussion, rarely any debate. Now, I am convinced that this method of transacting business not only impairs the importance accorded to the work of the Association by the public, but that by making our meetings uninteresting the attendance at the annual meeting is kept down. Who of you who were present in Memphis in 1929 at the meeting of the Section on Legal Education and heard there the debate that took place will deny

that if some of our sessions were characterized by similar discussion and debate interest would be intensified and our members would come in vastly greater numbers to our annual meetings?

The question of co-operation: To have co-operative effort we must have co-ordinated interest. The American Bar Association has neither. It has no organic relation with any association of lawyers. This organized isolation makes it impossible for us to mobilize back of our work, back of our recommendations, the interest, the influence and the effort of the organized bars of the country. More and more, I think, is this coming to be recognized as a serious weakness in the Association; more and more is attention being focussed upon the necessity for its correction. We have had a special committee at work on it now for more than a year. Its chairman is Mr. Jefferson P. Chandler, of Los Angeles, California, but it has not been able to solve the problem; it is a difficult one. It still seeks light, and still solicits suggestions from the members; and I would appeal to you gentlemen who are members of the Association to give some thought to that problem, and if you can develop ideas which you think might be of value, that you send them either to me or to Mr. Chandler.

Now, gentlemen of the Bar, our profession today is the object of widespread criticism, and even abuse. It has ever been thus. The famous colloquy on Black Heath between Jack Cade and Dick the Butcher, in which it was agreed that the first thing to be done was to kill all the lawyers, has been rehearsed with relish these past three hundred years. It seems to be the fashion in certain quarters to charge against us not only all of the actually apparent deficiencies and delinquencies in the administration of justice, but also many of the economic and social ills with which we are afflicted, overlooking or minimizing the responsibilities of the laymen. How is it with the layman? He sustains an intimate relation, of course, to the administration of justice. We may provide the most perfect machinery on earth for the administration of justice, and unless that machinery be placed in charge of men competent and honest it will not function satisfactorily. Every judge upon the state bench in Mississippi, I think, certainly it is true in most of the states, who administers law, every prosecuting official who prosecutes offenders against the law, every member of the legislature who makes or fails to make the laws, owes his position to the laymen of the state; he exercises the functions of his office by virtue of the activity, or, as is more frequently the case, the indifference of the laymen. The indifference of the laymen to the election of these important officials who have to do with justice and its administration is as widespread as it is deplorable. I have made some investigation upon this question, and it convinces me beyond any feeling of doubt that not fifty per cent of our citizens of adult age habitually vote at general elections, and that not twenty-five per cent of them vote at primary elections. In my own city of

St. Louis at our last general election but fifty-two per cent of the registered voters, mind you, were sufficiently impressed with that supreme privilege as well as duty of citizenship to go to the polls. When it comes to the nominating elections in the cities—the big cities—the layman has abdicated in favor of the ward committeeman, whose standards of qualification for public office are too frequently inadequate.

Not only does the layman sustain that relation to the administration of justice, he is an integral part of the administration of justice. All indictments are returned by grand juries; all felony cases and most civil cases at law are tried before and decided by petit juries. In equity cases only, or in law cases in which juries are waived does the judge alone administer justice; in all others the layman, as juror in the box, shares with the judge upon the bench and the lawyer at the bar the responsibility for the decision, if indeed he does not perform the chief function. And yet, who will deny that it is often the grotesque verdicts of juries that contribute to the great dissatisfaction with the law and its administration? The verdicts of juries, I dare say, are more deserving—far more deserving—of censure and criticism than are the opinions of the courts; yet, the layman is wholly responsible for the one and, in large measure, responsible for the other. He constitutes the jury, and he selects, or permits the selection of, the court. The fact is, in our larger cities particularly, our juries are no longer representative of our citizenship, and we do not have jury trials as we were intended to have them. For the most part, our men of higher education, of most influence probably in the community, of important corporate and business relations, habitually evade jury service. And yet, these same evaders of responsibility and duty are frequently loudest and most intemperate in their criticism of the law, of the lawyers and of the courts. Now, I contend that this matter of jury service is a serious matter, and that the citizen qualified for service, I care not who he is, how big he is, or how big he thinks he is, who evades jury service in time of peace is just as much a slacker as is the man who evades service of his country in time of war.

But their delinquencies cannot excuse ours, and the question still remains: Are the lawyers discharging their obligations? Upon the whole, I think they are. I think it easily demonstrable that no cult, or class, or calling is more punctilious in the discharge of duty than is the lawyer. His duties arise from his three-fold relationship, to his client, to his profession, and to his country.

Now, the relation of lawyer and client, of course, is a sacred one; it knows, and can know, no divided allegiance, and it is in the interest of the public welfare that that relation be maintained in all of its traditional purity and integrity, for no man, I care not who he is, can possibly serve two masters. To his client the lawyer owes the duty promptly to account for funds collected; to charge reasonably for his services; to preserve inviolate his con-

fidences; to give to his problem and his cause the utmost honorable effort; to counsel and maintain only such suits, such defenses, such transactions as appear to him to be lawful and just; to encourage the settlement of controversies; to employ such means only as are consistent with honor and with truth; and to reject not the cause of the defenseless, the impoverished and the oppressed. Though we have our wayward ones and those who, as Shakespeare said, "with itching palms who crook the pregnant hinges of the knee, where thrift may follow fawning," yet, these are not representative of the profession they dishonor; they are the rare exceptions. Upon the whole, there can be no doubt that the lawyers of the land are fully and faithfully discharging the duties that they owe their clients.

To our profession we owe the duty of so conducting ourselves at the bar and elsewhere as to be worthy exemplars of her high and noble ideals; the duty, without hesitancy, where we have the power to do so, to scourge from our ranks those who are recreant to their trust and thereby bring discredit and disgrace upon our profession.

I hold also that a lawyer who belongs to no organization of his brethren has not yet discharged his full duty to his profession, and here are the lawyers sadly deficient, for while I cannot assume to speak with absolute certainty, I believe that not fifty per cent of the lawyers of this country belong to any association of the bar, a lamentable confession.

Organizations of the Bar are the instruments with which we do our public work; they are the reservoirs, the fountains from which we draw inspiration needed adequately to carry on. The fabled Antaeus, you will remember, was the son of Gaea, the earth, and Poseidon, the sea. He challenged to mortal combat every passerby and made a mountain, so it is said, with the bones of those he vanquished. He always triumphed because when thrown and brought in contact with his mother, earth, he sprung up again with strength and vigor renewed. So, when on occasions like this, and similar occasions provided by other bar associations, we are brought in contact with our brethren of the bar, we are thereby refreshed and inspired anew to cope with and discharge the duties that we owe as members of a great profession. Not only on such an occasion do we draw inspiration by contact with those physically present, but we inevitably commune also with the spirits of great ones of our profession who have gone on before, and whose names occur to you, men who during their lives here wrought worthily and contributed in rich abundance to the professional heritage which we now are privileged to enjoy. As the moon lifts up the tides of the seas, so do their influence and their example lift up the ideals and exalt the purposes of every lawyer here present.

We owe it to our profession also to promote and preserve the respect that is due to the courts of the land, to deal fairly with the courts, refraining from all artifice, and from misstatement of

law or of fact, recalling always that we are sworn officers of the court, ministers, if you please, in the temple of justice; and the duty also never to forget that we are the courts' chief reliance for their vindication whenever and wherever that vindication seems to be desirable.

Now, the duties that we owe the public are of transcendent importance, because they are commensurate with the measure of public confidence with which we are accustomed to be entrusted, for despite the slanders of the ignorant and the jibes of the envious, the fact remains that no cult, or class, or trade, or calling on this earth is habitually entrusted with so large a measure of public confidence as is the legal profession.

Just about one hundred years ago that remarkable Frenchman, D'Tocqueville, completed his remarkable work called "Democracy in America." In it he said in a chapter which, as I read it, is not altogether eulogistic and commendatory of the legal profession, but in this chapter he says that the people in democratic states do not mistrust the members of the legal profession, for they recognize they are interested in serving the popular cause. And he further says that a republic could not continue to endure in which the influence of the lawyer in the public business did not grow in proportion to the power of the people. That he spoke the truth, our record abundantly attests. Consider it: Thirty Presidents of the United States, twenty-four of them lawyers; forty-eight Secretaries of State, forty-six of them lawyers; of the fifty-six signers of the Declaration of Independence, twenty-five were lawyers; of the fifty-five framers of the Federal Constitution, thirty-three, according to Mr. Charles Warren, had practiced law. Of course, all of the members of the judiciary, all of the Attorneys-General, Federal and State, have always been lawyers; and if in Congress and in the various state legislatures the lawyers have not continuously been in the numerical majority, certainly frequently, and perhaps during a majority of the time, they have wielded the preponderant influence. Indeed, we are not far afield in asserting that the one hundred and twenty-two millions of people of this country are governed by the one hundred and sixty thousand lawyers of the land.

Surely, then, the duties we owe the public are of compelling importance. Are we discharging them? Upon the whole we are, unquestionably. But that we have been remiss and laggard in dealing with the question of civil procedure in our state courts, I think there can be no doubt. Here, as I see it, at least, is our Achilles Heel. We have not been oblivious to this question; for years it has been a subject of discussion among us; but it has not yet received at the hands of the bar that organized, enthusiastic, insistent and universal effort that the seriousness of the question requires or that is necessary for its solution.

I think, gentlemen, this is a serious question, because the condition prevailing in our state civil courts, and particularly in the larger centers of population throughout this country, has

become progressively worse until today it menaces continuance of confidence in and respect for our judicial system. Now, a litigant cannot possibly, and will not, respect a system of so-called justice that defers for years and years the adjudication of his demands; and an observer, though not a litigant, will not respect, and cannot respect, such a system. One of the chief clauses of Magna Charta, wrung from cruel and stubborn King John at Runnymede, provided "to no man will we sell, to no man will we deny or delay, right or justice," thus putting the delay of justice upon a parity with the denial or even the sale of justice.

I am unfamiliar with your condition in Mississippi; doubtless it is good; but I am familiar with it elsewhere. I know that in my own City of St. Louis after a petition, which is the paper by which we institute our civil action, has run the gamut of motions, pleas and demurrers, and the cause is finally gotten at issue—and this usually consumes months of time—the day of trial is still fourteen months in the future.

I know that in the City of Chicago the condition is no better. I know that in the City of Detroit until this past year, when some very fine reforms were instituted, which I believe you are on the high road to obtain, a trial was forty-two months distant. And in the City of New York today the day of trial is from twenty-four to thirty-six months distant. I speak, of course, of jury cases.

Now, these are not exceptional examples; they are fairly illustrative of a condition that is nation-wide, and that calls loudly for relief. We cannot be deaf to that appeal. Self-interest, as well as considerations of public service, requires that we respond. To escape the costs and inordinate delays of litigation, we all know that valuable rights and valid cases are daily sacrificed by unjust settlements, or more frequently by failure to assert them altogether, thus losing to the bar a vast amount of business which otherwise would flow to it. Statutes of conciliation are being proposed; trade associations are requiring their members to settle their disputes by arbitration; arbitration statutes are being adopted; boards and commissions are being established for the disposition of judicial matters, and that, too, without the intervention of counsel.

I do not propose the British system as a model substitute in its entirety. There they have gained speed, it is true, but they have gained it, as it now seems, at the expense of costs that have been so burdensome that the London Chamber of Commerce recently appointed a committee to investigate the matter, and it has reported, and its report is most enlightening. It shows that there now, while they have the capacity for speed, the costs are so great as to be an obstacle in many instances to justice. We must deal with our own problem in our own way. But my point is that we must deal with it. The condition is disgraceful; it is intolerable. We dare not view it with complacency, expecting

commercial, industrial and social relations to adjust themselves to a procedure of technique that denies justice by delaying it. The Bar may be sure that unless it takes the initiative, sooner or later—I think sooner than later; indeed, I believe the movement is already afoot—the lay public is going to foist upon us a technique that suits them. Either that, or we will be subjected to the humiliation of merely trailing along, or following, or cooperating in the performance of this very vital public service.

But despite our failure thus far to solve this great question of social adjustment, the legal profession may proudly challenge comparison with any other calling in the discharge of public service. What trade, or class, or calling, I ask you, devotes itself so insistently, so efficiently, and with greater self-sacrifice, to the correction of undesirable conditions? What trade, or class, or calling is so alert to defend our institutions from the assaults, both of the vicious and of the well-meaning, but misinformed? What trade, or class, or calling has imposed upon itself and more generally observes a more rigorous or a more exalted code of conduct?

The American Law Institute has given to the Nation a model criminal code, the result of the labors of lawyers. The subjects of crime, and criminal law and its administration, are receiving constant and scientific attention at the hands of our section on criminal law and criminology, and from numerous committees of numerous state and local bar associations; crime surveys have been and still are progressing throughout the nation. These are revealing deficiencies and are suggesting improvements and reforms, and, above all, are arousing a public sentiment which finally and inevitably will result in satisfactory improvement in our criminal law and, what to my mind is more important, in its administration.

It is the organized bar which has prescribed, and which seeks to establish throughout the land, those standards of education and of character for lawyers, from the general adoption of which, in my humble judgment, would flow vast good to the bar and to the community. It is the organized bar which has established in every state in the country citizenship committees, which are making progress in instilling in the youth of the land knowledge of and reverence for the Ark of our Covenant, the Constitution of the United States. It is the organized bar which has undertaken the Herculean task of re-stating the common law, to the end that the law may be clarified and simplified, and be better adapted to modern social conditions and needs. Judicial procedure, legal aid, the law of public utilities, laws relating to the exploitation of our natural resources, uniform state laws where desirable, anti-trust laws, insurance laws, patent, trade-mark and copyright laws, admiralty law, international law—these and many other juristic fields having intimate relation to the prosperity, the happiness and the liberties of our country, are receiving constant attention at the hands of members of our profession, and mark

you, that too, without hope or expectation of the slightest personal reward, but solely in response to the impulse of public service.

So, let us not be alarmed or depressed by these shafts of criticism that are unjustly hurled against us. The legal profession is keenly aware of the responsibility with which it is charged, and it is eager to discharge every duty that rests upon it. No man is more alert to respond to the call of duty than is the truly representative lawyer. He regards his profession not as a mere trade to be used for the amassing of wealth, but as a great and learned profession, whose high mission is service; his chief ambition is not to accumulate money, but to do his tasks well, to serve his clients well, and his profession well, and his country well. He is learned in the lore of the law not only, but in the history and traditions of his profession as well. He has a keen interest in every branch of learning, and a love of learning for its own sake, and is devoted to history, to literature and to every branch of art. He is interested in public questions, loves his country and her institutions, and willingly serves her in peace and in war. He is proud of his oath-bound cult, jealous of her honor, and himself a worthy exemplar of her high and noble ideals. He is unyielding in his fealty to his clients; assiduous and faithful in the performance of his tasks, whether they be on the bench, or at the bar, or in the class-room; he is absorbed in his duties and intellectual pursuits, heedless of his own interests and often of his own health, and freely spends himself in the service of others; and if he be a successful lawyer, usually he lives well and dies poor. He better than any other man, I think, appreciates and understands the full and accurate truth expressed by Tennyson in those noble lines to the Duke of Wellington:

"Not once or twice in our fair island-story,
The path of duty was the way to glory;
He, that ever following her commands,
He with toil of heart and knees and hands,
Through the long gorge to the far light has won
His path upward and prevailed,
Shall find the toppling crags of Duty scaled
Are close upon the shining table-lands
To which our God himself is moon and sun."

Ladies and Gentlemen, in that ancient time the Star of Bethlehem, so we read, flamed in the midnight sky for the guidance of the Wise Men. So, in these modern days, in the firmament of our profession, above the wreathed mists and dark clouds of depression—almost desperation, almost despair—shines our Star of Duty—duty to client, duty to profession, duty to country. Let us fix our eyes upon that Star and with upturned faces bathed in its effulgent glory, like the Wise Men of old, let us follow it. (Continued Applause.)

PRESIDENT VENABLE: Ladies and Gentlemen, I do not think it is necessary for me to say anything in ap-

preciation of the address, which you have just heard, except, paraphrasing the words of Benton, in my introduction, "I gave him but simple justice." (Applause.)

It now becomes your duty to suffer from routine and ritual. Ritual is a cruel master. What we are accustomed to do, we feel we must do. Mr. Purnell, of Indiana, once told me that when he started out as a young lawyer, having some political ambitions, he was advised by an older man to cultivate wise acquaintanceships, and he thought the way to do that was in the memorial exercises.

So, he promptly accepted an invitation to deliver a memorial address at a certain lodge. He carefully prepared his speech and left a blank space so he might call the names of the departed brothers, to speak of their virtues. He told me that he went there with his speech carefully memorized, and remembering that he didn't have the names he sent a note to the chairman: "Please give me the names of the departed Brethren." In a few moments there was passed back to him on the platform: "There aint any." Being somewhat afraid, he turned in and wrote: "What in the devil to you mean by having a memorial exercise when you haven't any dead?" The answer came back: "Page 13 of the Ritual says to memorialize them, and by George we are going to do it."

PRESIDENT'S ADDRESS

For many years it has been the custom, and indeed was required by a by-law of former Bar Association, that the retiring President take as the subject for his annual address the legislative enactment of the preceding year thought to be of most interest and importance to the Bar.

It is with this justification that I am taking as my theme the purpose of the law which forms us into a state wide and all inclusive legal society.

I wish to mention its broad purpose, the idea of professional function and duty resulting in the statute and to indicate, if I may be permitted, something of the work that it was intended that we should do.

Human experience has shown that social organization is indispensable to human society and needful for the recognition and protection of the just interests of its members. The need produces the obligation for otherwise the self destructive proposition would exist that a thing should be done but no one is under duty to do it. As men recognize

the existence of such social needs and their resulting obligations, there is brought into existence the sentiment of patriotism and from like origin arise those rules of conduct and attitude that men call ethics, whether applied broadly to all human relationships, or in particular business and professions. From the social or governmental viewpoint they have one object, to make the social organization better to fulfill its functions and accomplish its ends.

Without the recognition of such obligations there could be neither patriotism or ethics. It also follows, I think, that the more vivid the realization of obligation, the more ready a person becomes to observe the rules necessary for his functioning as an effective social unit.

A social need and the obligation upon some one to supply it go hand in hand. The first is the parent of the second; indeed it is impossible to think of the one without an immediate recognition of the need of the other.

From the fact that every ordered society has produced men learned in its laws and engaged in applying them to the actions and transactions of men, would seem to prove that lawyers are necessary to ordered life, and upon them rests the duty to meet this need. This is the justification and reason for their existence. The recognition of its obligation supplies their ethics and broadly defines their functions. It is definitive and imperative.

What is this need and the corresponding obligation to supply which produced the lawyer, and explains and justifies his existence as a social creation? I think that it may be defined as justice under law, and justice as the impartial application of the rules of society agreed upon as governing a particular situation, to all men similarly situated.

If this definition be adequate it implies the necessary presence of certain things, if we are to have justice under law. The more fully they are realized, the more perfectly will justice be done.

Since rules cannot be applied unless they are known and since their application requires skill and training in the work, it is obvious that both on the bench and at the bar there must be men learned in the law and trained in the task of applying abstract principles to concrete facts, and it is equally obvious that they must be so alive to social obligation that their allegiance to truth and justice will overrule and override every conflicting, selfish personal interest. A demogoging judge or a lawyer who wilfully defeats justice is necessarily a stench in the nostrils of the Lord.

It seems also to follow that the people and the Bar should devise that system for selecting their judges which will procure for this service the greatest learning, the best talent and most stalwart character that the Bar affords.

It also seems to be true that the people and the Bar should insist on adequate learning, character and training for admission to the Bar. The quality of justice that the citizen receives depends much upon it. The learning, ability and training of Bench and Bar is so vital to the attainment of justice under law, that the standard should be set without reference to the difficulty encountered by any one in attaining it. The practice of law is a privilege and not a right; it is an instrumentality created by and to meet a social need and no injustice is done by excluding one from the Bar if he cannot or will not attain to the needed learning and training. Those who will, will.

Since justice can be realized only through the application of law to the actual transactions of men, it also depends upon the ability to discover truth. To this end the courts, tribunals of investigation, are constituted, and there arises the great body of adjective law, pleading, practice and evidence, the larger purpose of which is to serve as tools in the discovery of truth. They are the microscopes, crucibles and measuring scales in the legal laboratory. Legal learning and truth are the elements from which justice under law is compounded. Courts with their pleading, practice and procedure, are the instrumentalities used in the process. If truth be not discovered and correctly determined and the judgment of the law be not on the truth as it is, justice is defeated, the citizen has not received the application of the rule intended to govern men situated as he is. Like result is reached whenever judgment in the cause is made to depend upon some question of adjective law. It is true that it may be justified on the ground that the insistence upon that which decided the case, other than upon the merits, is necessary for the orderly administration of justice and that defeat of actual justice in the particular case is justified that justice might be more apt to be done in others, but the fact that the purpose of justice that the same rule should be applied to all like situations has been defeated, points the moral that procedural rules and adjective law should be as simple as it can be made, easily understood, free from technical niceties, and that a cause should not be permitted to be decided upon a procedural question unless it is so important to the processes of discovering truth that stern insistence upon its observance is necessary.

If what I have said be true, it follows that the ideal facilities for justice under law would be the most capable, learned and fearless judges, before whom practiced the most capable, learned and fearless lawyers, both alike too desirous of fulfilling their mission to engage in any practice whose tendency, direct or indirect, would be to defeat it, practicing in courts wherein the pleading, practice and procedure was best adapted to the ascertainment of truth within the shortest time and at the minimum of expense.

What I have stated are truisms, known to all of us but necessary to be borne in mind, for if there be progress, it must needs come by changes which will more perfectly produce the ideal conditions.

In a very real sense, the people must depend upon us for the operation of the judicial department of government. We make it, mold it, fashion it or should do so, and if we do not strive to more perfectly satisfy the human need for justice we fall short of our duty, if it be true that need always imposes obligation on those able to supply it.

It was from such a sense of duty that the Bar requested and the legislature created us into a state wide legal society and dedicated us—as we had ourselves by asking it—to the task of improving the conditions for justice under law. We have taken upon ourselves and had imposed upon us an increased responsibility. It is both an inspiration and a challenge. It is even more. There is committed to us as a legal brotherhood a trust heretofore held by us as individuals, with its terms more vaguely defined. The people have expressed a confidence that with our new and official status and with our forces combined, we can render a better public service.

With the legislature inviting our studied recommendations there is no reason why in time we should not give to the people of Mississippi an administration of justice which in economy, speediness and verity shall be second to none in the world. The limitations, if any, lie in us and not in our opportunities.

We are empowered to investigate and study anything pertaining to law and courts and to make our studied recommendations to the legislature when legislation is needed. Our field for investigation and comparison is as wide as the efforts of men to attain justice under law, or as wide as we desire to make it. There is no reason why our committees studying their particular subjects, comparing our conditions and experience with that of others deal-

ing with like problems, should not become expert and well able to make wise suggestions.

I do not wish to appear as a carping critic. I could write a eulogy much easier and more pleasantly than a criticism, but I do wish to impress my belief that there is much room for improvement and constructive work to be done. Conditions in our state are changing rapidly. Devices that once were adequate are no longer so. Procedual tools which were fashioned years ago for the work of that time, are no longer adapted to a changed work and a different environment. The world is on the move and the law and its machinery must move also, else it will be so far away that they cannot serve the need. Change is not necessarily progress, and should not be made until it is decided that it is such, but there is a difference between being a pupil of the past and being its slave. Intellectual progressiveness, a willingness to change with a changing world, is essential in both bench and bar, if our work is to keep pace with human need and thus render the maximum of service.

To establish the point that there is practical work to be done and with your permission, I should like to mention a few things that might prove profitable for study.

In view of the present depression there is a wide spread and just demand that all governmental departments be reorganized so as to lower expenditures as greatly as may be. Aside from this there is the constant duty for the state to give justice to the citizen as cheaply as possible. Nothing but reduction of expenditure can give relief to the private citizen and I think that he is in the mood to demand and insist upon it.

It will be done in our courts well or badly, and it should be done well. I believe that it is possible to reform our court machinery with the result not only of economy but increased efficiency. But this will require careful study and intelligent planning by those qualified to do the work. If it is not done by us it will be done by others less able to produce satisfactory results.

No good reason appears to me why a large number of deputy sheriffs and constables should ride the roads on horses and in automobiles summoning jurors, with all the consequent cost, expenses and fees, when a penny post card could do the work as well and at most a registered letter would prove equally effective.

Why should there be jury trials in the circuit court in civil cases unless requested? The decisions of the chan-

cellors as triers of fact prove satisfactory in the chancery court and in counties where we have county courts, the majority of civil cases are voluntarily submitted to the judge for decision. At least this is true in the county where I live. There the very able and efficient county judge sets the jury cases for first trial on the docket and when disposed of discharges the jury, sitting the balance of the term without jury and thus saving large sums, while in the circuit court the juries must remain during the entire term. No citizen would or could object to such a change, since a jury could be requested if desired. I am of the opinion that thousands of dollars could be saved, taking the state as a whole.

Delay in reaching trial and congestion of dockets is a most fruitful source of needless expense. Under our present system of circuit courts at least two terms are held each year and frequently these terms are approximately six months apart. Suit is filed but the case cannot be brought to issue for many months, not until the next term. When issue is formed it is frequently found that the pleas require the summoning of witnesses from a distance or the taking of depositions with the result that the cause must be continued for more months, instead of being tried. The docket is filled with cases in incubation and with numerous cases on the docket the day of a term when a case can probably be tried, is very uncertain. Even with an intelligent setting of the trial calendar it is guess work when a cause will be reached. Many seeing a congested docket and dreading lost time and money due to sitting around the court room with witnesses who must be paid, impatiently awaiting the case to be reached, continue cases by agreement, hoping for a more favorable condition next time. Business men dread the expense and delay of the courts and the tax payer growls at the items of court expense and petitions the judge to pretermit court terms which is frequently done resulting in more delay and congestion. While conditions such as I have mentioned are not universally true, they exist too frequently.

There would seem to be but one remedy for this. Dispose of business so rapidly that congestion cannot take place. I desire to suggest one or two things for your consideration.

The situation might be improved by enlarging the administrative opportunity of the circuit judges. This could be done by providing that a term of court should begin in each county and district in counties having two on the first

Monday of each month and continue until the succeeding term. Of course the judge would be required to actually hold two terms in each county each year as required by the constitution, but should have the authority to go to any county or district at any time upon giving notice through the Clerk by post card to lawyers and litigants, the expense to be taxed as costs having also the right to have jurors summoned in the same way, if jury trials were demanded.

Default judgments should be permitted to be taken before the Clerk in the absence of pleas filed on the first day of the term, being the first Monday next after five days service. Default judgments could be entered and non litigated cases would not appear as contested matters on the docket if trueness of pleading were enforced as I shall hereafter insist should be required.

Issues would be joined every thirty days at most and the case as to this would be ready for trial at the first term actually held thereafter. Under such a system a district would be given to a circuit judge and it would be his business and duty to keep informed as to the condition of the dockets in the several counties and to go where he was needed.

I believe that such a system as this resulting in speedy trials and the removal of congestion, taken in connection with certain changes which I will next mention, will result in enormous saving in time and money and greater efficiency in discovering truth and doing justice.

It may be somewhat startling to you if you have not given it thought and investigation, but I dare to make the statement that more than half of the time of the courts of the state is taken up with taking proof about matters of fact about which there is in truth no dispute between the parties and which could not be disputed, consonant with truth.

The expense due to this, both in increased length of terms, expense of process, witness fees, expense due to congestion and collateral expense due to loss of time to witnesses and litigants is a staggering sum. Is such a condition either right or necessary?

As I understand it, it has arisen largely from two causes. The glory of the common law system of pleading was that it permitted anciently one fact, and this alone to be put in issue. By a relaxation found within itself and aided by statute, every fact is now put in issue and frequently must be, if the appropriate plea is used. It is the general practice to deny every fact set forth in the plaintiff's declaration

by general issue plea and then by affirmative pleas set up all possible affirmative defenses. The unsworn answer with negative pregnant form of pleading has produced the same result in equity.

Under our statutes the pleader is invited to make his pleading false and it is perfectly proper to plead inconsistent and mutually destructive defenses.

We cheerfully accept the invitation.

When sued for the value of a bucket that we have borrowed, we plead not guilty, nil debit, non detinet, non assumpsit, or anything else of a general denial that we think appropriate and then for fear that we have not put the plaintiff to the proof of everything, we solemnly plead in special pleas or notice that we did not borrow the bucket; that we borrowed the bucket but we returned it; that we borrowed it and did not return it but this was with the permission of plaintiff, founded on valuable consideration and not retractable; that we did not borrow the bucket but bought it; that the bucket, though borrowed from the plaintiff, was not his bucket but the property of another; that we borrowed it and did not return it but it was an old, worn out and disreputable bucket, without value, and de minimiis non curat lex.

The tendency of our system of pleading and our accepted practice under it is to create the feeling that a law suit is a sporting event; that skill and not truth should be the deciding factors; that the judge, instead of being an active and potent agency in the discovery of truth is a mere umpire to see that the players observe the rules of the game and that results are permissibly made to depend on chance, fortune and the relative skill of the players.

Why I should be permitted to deny in court that which as a truthful man I would be morally bound to admit anywhere else, if the duty rested upon me to speak at all, is a question hard to answer. It is probably found in a sporting instinct which feels that one attacked should not be forced to concede any advantage or surrender any that he has. I do not think that the citizen has any such right. He owes the duty not only to tell the truth but to admit the truth in a proceeding wherein the sovereign is seeking to know the truth that the sovereign's rules may be enforced. It is a rather anomolous proceeding that the State in an effort to ascertain the truth visits condign punishment on one who misleads by false statement on the witness stand, but permits and encourages one to mislead by false pleading, either denial or averment.

The time and money spent in proving facts which both litigants know to be true is enormous, and if through oversight or misfortune it cannot be proven there is a miscarriage of justice which is real tragedy.

Are my statements overdrawn? A few illustrations will suffice.

I am sued on a promissory note. The docket is congested and I wish to prevent judgment by default at the trial term. I have no defense but if judgment by default can be prevented, the case cannot be reached and I will get a six months respite. I plead payment and the cause goes over.

I am sued on an open account. The only defense is a partial one that certain credits are not allowed. However, I plead not only the incorrectness of the account by counter affidavit, pointing out wherein it is not correct, but in addition the general issue plea of nil debit. By so doing I put my opponent to the proof of the delivery of the goods to the carrier or the delivery by the carrier to me. He must prove the sale and everything showing original liability as to the whole account. I must go further and take the deposition of the shipping clerk and of the bookkeeper to show that the goods sued for are the ones which were delivered to the carrier or to me. The shipping clerk and the bookkeeper may live in another state and depositions are necessary which will carry the case at least one term of the court after the pleas are filed.

Let us take an action of tort.

Mr. A sends his car driven by his chauffeur on some errand. At the intersection of two streets the chauffeur negligently, it is charged, fails to give a signal required by a town ordinance and it is claimed that as a proximate result there was a collision with the car in which plaintiff was riding, resulting in her injury. The declaration follows the usual manner, it describes the location of persons, streets, cars and objects, avers that John Doe was the servant of A and was at the time of the wrongs and injuries engaged about his master's business; it shows that the car belonged to A. It pleads the ordinance as negligence and sets it forth in substance and charges that it was ignored and the signal was not given and charges that the plaintiff was in the exercise of due care for her safety. It then charges that as a proximate result of the failure to give the signal the plaintiff was injured in that the cars were collided and she was crushed in the wreckage and was mangled with the result that she lost a leg; that she suffered

mental pain and physical anguish, and that the doctor's bill for amputating the leg was $1000.00.

We will assume that the defendant employs a careful lawyer who investigates the facts and finds that beyond doubt all the facts charged are true, with the exception of giving the signal, the chauffeur saying that he did so. Any sensible man would say that the trial of fact should consist simply of determining whether or not the signal was given and that it would work no injustice on the defendant if he were required to admit the other facts on the face of the record. We do not do it that way. The defendant is forced to file his general issue plea of not guilty and every fact in the declaration constituting the plaintiff's cause of action must be proven by her. Though the declaration accurately describes the location of persons and objects, witnesses are summoned to prove them, another witness to prove the ordinance, the old town clerk known to all of us and for whom we have been voting for the last quarter of a century. This avails him nothing. He must be sworn and must swear that he is the city clerk and the custodian of the book that he holds in his hand, as well known to us as our own children. He must swear that it is the ordinance book, an official record and that the ordinances are regularly kept in it. Finally after a good many objections and several arguments as to whether the proper formula of authentication has been used, it is finally admitted, though it is still of doubtful validity and careful exceptions are reserved for appeal. The doctor is summoned to prove that he cut the leg off and that amputation was necessary and the nurse is brought to prove the physical and vocal reactions of the patient, so that the jury may be persuaded that cutting off a leg is painful and that physical pain and mental suffering existed to a monetary degree. Next we bring another set of witnesses to identify John Doe, the chauffeur, and to show that he was driving the car at the time of the accident, that he was A's chauffeur and that at the time of the accident he was about his master's business.

None of these facts are in dispute actually.

The time of the Court must be taken to hear these witnesses and other cases delayed of their trial, these witnesses must be paid and officers paid for summoning them; the stenographer must be paid for taking their testimony and transcribing it for appeal and juries must be paid while listening to them.

It is apparent that seven or eight times more time is

consumed with corresponding expense than if proof was necessary only on one fact truthfully denied.

It is not surprising that we hear constantly criticism of legal proceedings and its expense. The layman has not possibly been able to analyze its causes but if he be around the courts he feels that there is lost time, lost motion, useless procedural ritual and useless expense.

I am daring to say that his criticism is justified.

It is certainly not impossible to devise a system of pleading wherein litigants and lawyers would be required to put in issue only those facts intended to be honestly disputed at the trial and one wherein admitted facts would openly appear as such on the fact of the pleadings.

Suppose that the plaintiff's pleading should be required to state each fact or cogna te group of facts constituting the cause of action, paragraphically and in numerical order, accompanied by a certificate of the lawyer that he had investigated the facts of the case and that each fact would be attempted in good faith to be proven at the trial, if disputed and, if thought necessary, an affidavit of truth by the plaintiff himself. Suppose the defendant should be required to answer the plaintiff's pleading in order, either denying, admitting or confessing and avoiding each fact, or the legal effect of the facts as a whole, after specific denial or admission of each separate fact, the defendant's pleading to be accompanied by a certificate of the lawyer that he had investigated the facts and that on the trial each controverted fact would be contested by proof, together with an affidavit of the defendant if thought desirable. Suppose that this method was followed throughout the pleadings until all facts were denied, or confessed. Suppose that the certificates of the lawyers were considered to be made on honor and as officers of the court and suppose that the trial judges would instantly and sternly inquire why a fact was denied when no proof to sustain this denial was produced at the trial with the result that the other party brought witnesses to court unnecessarily. Under such a system carefully and fairly worked out, would not the pleadings become true?

Like method might be applied profitably to pleadings in equity.

It would not work a hardship upon lawyers to make them talk to their witnesses before drawing the pleadings. Emergency situations could be cared for by special rules and with proper safeguards.

I do not criticize the lawyers for practicing law accord-

ing to the rules, but on the contrary, I believe that they would as readily and more eagerly follow a new system wherein trueness of pleading was insisted upon.

A companion evil from which we suffer is the time taken by our courts in proving documents, records and papers about which there is no earthly dispute as matter of fact. A pretrial method for discovery and exhibition of documents, with demand for objections, etc., with unobjected to documents being received without more ado, would aid very greatly. Such a system has been worked out satisfactorily in other jurisdictions and a few simple rules could accomplish it.

I trust that I have gained at least enough assent from those who hear me, to lead to the conclusion that there is room for improvement, and that special study of our trial procedure is well worth the while and also to the conclusion that there is need for an effective method, simple and easily applied, of putting needed changes into effect.

The courts are the great instrumentalities through which justice is wrought. If there be avoidable expense, futility and inefficiency, it is to be found in their methods, practices and general procedure. So great is their importance that, in my humble judgment, a special agency should be created for their study and improvement, empowered to improve matters of pleading, practice and procedure without the necessity of appeal to the legislature. These things are but mere tools and opportunity should be given for their easy adaptation to the work to be done.

From considerations such as these, there has grown the demand for the creation of judicial council whose especial function shall be the study of the courts as instruments of justice. The idea has received the endorsement of the American Bar Association and a committee from our own former Bar Association recommended it after giving the question a year's study and consideration. Their report was adopted and another committee of which Justice Griffith was chairman was appointed to draft a measure thought adequate to effectuate the purposes, if passed by the legislature. I have asked Judge Griffith to present it to you at this meeting.

The bold outline of the plan is that the judicial council shall be composed of supreme, circuit, chancery and county court judges, a certain number of practicing lawyers appointed by us, and a certain number of laymen.

Its chief function will be to study and investigate courts and their procedure, in the light of our own and the ex-

perience of others, with power to regulate such matters by rules which are to have the force of statute. The bill also contains a short practice act, defining the boundaries of the council's activities in dealing with such matters.

Such a body would have upon it members experienced in every department of the practice and every viewpoint would be able to be presented and considered.

Such a body with its continuous studies would become more and more efficient and with its power to regulate by rule, it could gradually mould and fashion our proceedings so as to bring about the trial of actually disputed facts only, provide for pretrial authentication of documents and discovery and in numerous particulars gradually produce a system best adapted to our conditions.

The regulation of such things by rules is by no means new. It has been done in England for years and a large part of the efficiency of English Courts may be attributed to this system. Our Federal courts, on the equity side, operate under rules which were promulgated by the Supreme Court of the United States. The general effectiveness of the plan has been proven. I have requested Mr. Justice Griffith to present the bill prepared by his committee under his exceptionally able and constructive leadership. I earnestly recommend and urge its adoption by you for recommendation to the legislature for passage. I think that it will prove effective. With our organization and such a council, we will have the instrumentalities needed for continuous improvement.

May I suggest a few other things that might be profitably studied by our organization.

There can be no equality of justice without the application of the same standards to the same situations. The law supplies the standards. But how can this avail if it is not used in the decision? It generally is, of course, with fair accuracy, but in our circuit courts it is possible to have a trial without any application of law to the facts as part of the process of decision and from this extreme we may have various degrees up to the fullest possible announcement of the law and errorless application to the facts.

This grows out of the fact that the judge cannot charge the jury as to the applicable law, unless he is requested in writing. Without request he is powerless. If no instructions are asked none are given. If a needed and proper instruction is omitted by counsel either by oversight or ignorance, or error, there is no remedy and the jury is left without legal guide.

That in the majority of cases the law is adequately announced does not change the fact that in numerous cases it is not. In such cases the trial is not according to law and is reduced to a mere compulsory arbitration where the individual standards of the jurors instead of the standards of the law furnish the basis of decision. Under a system where all instructions must be drawn by the lawyers, and are then only allowed or disallowed by the court, it is but natural that each lawyer should attempt to phrase the language of his charges most strongly for his side. The result is that long and involved charges are frequent, requiring the nicest discrimination to reconcile them with those given the opposing side.

I have heard it said that circuit judges, sometimes in conning these instruments have been heard to give vent to very non judicial expletives and the saying sometimes goes the rounds that the average jury, after listening to the expositions of opposing counsel, each endeavoring to show that the language means something different from that contended for by the other, carefully lays the numerous sheets of paper on the table in the jury room and with a sigh, says: "To hell with the instructions, come on, let's decide this case."

It might be well argued that it is a strange system of law where causes might be decided without law and where the law giver, the State, could not, through its own impartial agency, give the jury the law for the decision of the case of its citizen unless requested by lawyers, frankly partisan, and differing as to skill, knowledge of the law, and powers of application.

I suggest that it is a possible field for study—in the light of our own experience in comparison with others—whether or not our method could not well be changed. Would we not come nearer to decisions according to law and to equality of justice, if the judge should have the duty imposed upon him of seeing to it that the law is fully and correctly given to the jury, together with its applications to the facts of the case.

It is also a question that might be worthy of study, whether we should not abolish our dual system of courts, the law and equity, and have one court, either to give whatever of relief the litigant should have, legal or equitable, or at least to have one judge with a law and equity side of the docket.

That such a system has merits which appeal to some is shown by the fact that this has become the system in

nearly all other jurisdictions. Such a revision of the courts and dockets might bring a tremendous saving.

I have not studied this question sufficiently to have an opinion of any value, but I think it worthy of investigation. Change is not always progress, but study and investigation is always profitable.

The indications are that the legislature, at its next session, will redistrict the state. I believe that if a judicial council is established and the improvements that I have suggested be made by it, the number of circuit judges can be greatly reduced. If courts are occupied only with matters actually in dispute, the administrative capacity of the circuit judge enlarged, and districts are formed after due study and analysis, eight or ten circuit judges could do the work. There could also be a reduction in the number of chancellors.

Whether these things are done or not, it seems certain that under the press of the depression, the legislature will redistrict the state in so far as circuit courts are concerned. Could not our organization render a real service by assisting in this work, by undertaking the work of analyzing the circuit court dockets, determining the number of cases tried, the types of cases, the average time for trial and all other data bearing upon the amount of litigation and the reasonable time necessary for its disposition?

Such an analysis would prove useful to the legislature and with it they could so apportion the work as to make for an equal distribution of it.

The same committee might also recommend a specific redistricting scheme.

The American Law Institute has undertaken what in some respects is the most important work that lawyers are now doing, the restatement of the principles of the common law and equity.

It is intended to complete the work within ten years and as each subject is completed to bring out editions containing the annotations in the several jurisdictions, showing accord or difference. It seems to me that it would be of extreme value to our people and to us, for our organization to undertake the annotation work for Mississippi. By proper division of labor, it would not prove unduly burdensome.

In presenting these several matters, from among others that might be mentioned, I have not sought to convince any one of the merit of any opinion that I have expressed, with the exception of the judicial council bill which I hope we

will recommend to the legislature. My purpose has been to convince that there is a vast field within which we can render service and continuously work for progressive improvement. The field for duty is as wide as our legal activities. This work we must do if we are to discharge our part of the duty of giving to the people a system of justice wherein truth is most accurately determined within the shortest time and at the minimum of expense.

There is another work to which we are committed by the legislature.

Necessarily, if the stream of justice is to be pure, it cannot flow through impure channels. For this reason it has always been insisted upon that the lawyer have and maintain a certain standard of character and conduct as an essential qualification for the privilege of practicing law. That proper standards should be the better maintained, the legislature imposes upon us the power to promulgate rules of ethics and makes it our duty to enforce them. It is not to be assumed that the authority was lightly granted or that it was intended to be lightly held.

I am of the belief that our powers in this regard will be invoked but rarely, and I am equally persuaded that our allegiance to the standards of conduct and character which the experience of the years have taught to be wise and best, should be given because they are in accord with our real desires and spirit. But should occasion arise, there is no doubt that it was intended for our properly constituted authorities to proceed as impartially, as fearlessly and as impersonally as would be expected from a court. Indeed in this respect we have been constituted a public agency and the performance of the duty demands that we proceed as such, without fear or favor, doing nothing that would lead anyone to think that our organization did not intend to insist upon a meticulous observance of the standards intended to be observed.

The provisions of the act of the legislature are carefully drawn to allow the fullest investigation with every opportunity for hearing and defense, and with equal opportunity to vindicate innocence as to condemn guilt. There is provision to temper the penalty as to make it no severer than the enforcement of and insistence upon proper standards required.

I do not think that we should have any fear of ourselves. Knowing lawyers as I do I know that they will sit in judgment justly but withal kindly, and will in no case put in-

nocence to trial, if they know it, or harrass it with unjustified prosecution.

It is highly to be desired that we give the people of the state to understand that this part of our duties will be taken seriously and performed vigorously in proper cases.

I have spoken at such length because I believe that a vivid realization of the possibilities of our organization is needed, especially since the type of our organization machinery as contained in our by-laws will be largely influenced by it.

I do not desire to close without saying that in my desire to impress that there is improvement to be had, and work to be done, I may appear as a too severe critic. I meet this by gladly acknowledging the many merits of our courts and the spirit of progress to be found in the bench and the bar of the state in an exceptional degree.

I wish also to express a desire that I have in my mind and heart. One of the greatest of the compensations that I have received as a lawyer, has lain in the associations with my fellows and the friendships that I have formed.

Meeting in the forum of the courts, where our strength is daily tried and our weaknesses openly exposed, we learn humility of mind and lose our self conceit; we taste of the exhilaration of victory and often feel the pain of defeat; we give blows and take them; we view human nature pass in review, the good and the bad, the generous and the small, the honest and the dishonest, the proud and the humble alike revealing the curious mixture of strength and weakness, fear and boldness, honesty and dishonesty, envy and generosity, the love and hate that we call man. We hold the mirror up to Nature and we see the reflection of ourselves. The prisoner at the Bar, but for the accident of fortune, might have been ourselves and we see in exalted character that which we might attain. All knowledge is our sphere and our cases bring all of learning tribute to our causes. The nature of man, the constitution of the Universe, yea even the reflections from the Great White Throne shed light upon our science and to the real lawyer narrowness is the width of space and time, and his humility of mind is that of the tiny human speck standing amid a universe of worlds, realizing his own weakness but having the lion boldness to seek to know the truth.

The nature of his work and the human pageant of which he is a daily part make for generosity of spirit, charity of judgment and friendliness towards men. No better basis for friendships could be laid. If we do not seek the society,

companionship and comfort that communion with our fellows give, we miss a great and rare privilege. I am hoping that the legislature has not only created us into a semi governmental organization, but also into a great brotherhood. The achievement of this should be one of our purposes.

My work of the past fourteen months, as President of the Old and New Bar Associations, is about over. The task assigned me by my brethren of the Old was to work for the creation of the New. During it I have received daily aid, wise counsel and assistance. I have had both loyalty and friendship. My work as President of the New has been to assist in its formation and I have received like loyalty and support. I thank you.

I may now retire repeating truthfully the words of MacBeth:

"The service and the loyalty that I owe,
in doing it pays for itself."

PRESIDENT VENABLE: Gentlemen, I have a telegram here from Judge Powell, familiarly known as "Uncle Will."

"Greetings to the unified bar of Mississippi. If every lawyer will really unite in spirit and action the good effects will be great. Regret I cannot attend the first meeting, but am here on business."

The Association will stand adjourned until two o'clock.

AFTERNOON SESSION

PRESIDENT VENABLE: The Association will come to order. The first order of business on this afternoon's program is the appointment of committees on By-laws and on Ethics. I call your attention to the fact that the Unified Bar Act requires the State Bar to establish a set of laws for its government, and also to adopt a Code of Ethics.

Now, in order that the committee from the State Bar might have something concrete before us on which to work, the Board of Commissioners thought it was well to appoint a committee from that Board to draw up tentative drafts of the Code of Ethics and also By-laws, in order that the Committee might have something to work upon, in order to make their report by tomorrow, that their reports might be drawn and the By-laws drawn, to be acted on tomorrow. So, the Committees I am about to announce now will be supposed to report by tomorrow afternoon for action of

this body. The Ethics Committee will be: Judge J. H. Price, R. M. Kelly, Louis Jiggitts, W. A. Ellis and F. D. Hewitt. The Secretary will furnish that committee with a copy of the preliminary draft, giving you something concrete to work upon, and that committee will be expected to report, if possible, by tomorrow afternoon, so this body may act.

The Committee on By-laws: Mr. Fred Smith, C. C. Dunn, John L. Heiss, Victor Gilbert, and H. M. McIntosh.

I am not following this afternoon the program strictly in the order in which it appears on the printed page. Mr. Roberds, who was on the Committee on the Law Journal, it was necessary for him to leave, and for that reason I am asking him to make a report at this time with respect to the publication and distribution of the Law Journal.

It was our idea that, if possible, and if the finances of this organization would permit, each member of the Mississippi State Bar should receive a copy of the Mississippi Law Journal, which is published by the University of Mississippi and by this organization, without additional cost, in order that we might have a means of communication with respect to the business of this organization in matters of interest.

Mr. Roberds, I will ask you to make your report at this time.

MR. ROBERDS: Mr. President, and Gentlemen: This Committee, Mr. Louis Jiggitts, Judge Frank Everett, of Indianola, and myself, begs to report as follows:

REPORT OF THE COMMITTEE ON THE LAW JOURNAL

To the Members of the State Bar Association:

The Committee begs to report as follows:

1. It recommends that the Journal be published under the same name as heretofore—Mississippi Law Journal.

2. From the data in the hands of the Committee it will require approximately 1500 copies in order to send one to each member of the Association, one to each student in the Law School at the University and supply the exchange and complimentary copies. The Committee recommends that a copy of the Journal, without charge, be sent to each member of the State Bar Association and each student of the Law School. The cost of publishing quarterly 1500 copies of the Law Journal, including postage for mailing, will approximate $1300.00. It is estimated the advertising will yield $300.00 in money. The Committee recommends that the Association donate the sum of One Thousand Dollars for the publication of the Journal for the next year, this money to be paid out quarterly as the Journal is published, upon request and approval of the Manager of the Journal, the Faculty Committee at the University and the Committee from the Bar Association.

3. The Committee recommends that the incoming President of the Bar Association appoint from among the members of the Association a committee of five as the Law Journal Committee of this Association, one of which shall be the Secretary of the Association, and that the President shall be ex-officio

a member thereof; that in making such appointments the President shall have in mind men of literary ability and attainment, students of the law, its history and development, as well as business ability. It will be the duty of this Committee to collaborate with the student Board and the Faculty Committee in determining the policy of the Journal, its contents; assist in procuring articles for the Journal from members of this Association and lawyers out of this State, and in the management and publication generally of the Journal as said Bar Committee may determine.

4. The Committee recommends that the Dean of the Law School of the University appoint each year from the law students in such School a manager, the editor, the note editor and the case editor, and such associate student editors as he and the Law Faculty may deem best; (that such student manager and editor shall be charged primarily with the duty of publishing and editing the Journal.) The Committee furthermore recommends that the Dean appoint a committee from the law faculty to aid and assist in such publication editing of the Journal, the Dean of the Law School being a member of such Committee; that the Bar Association Committee, the students so appointed and the Law Faculty collaborate and co-operate in the editing and publication of such Journal.

5. In order to encourage student activity the committee recommends, if the finances of the Association will permit, that a fund, say of $50.00, be set aside each year to be awarded to the student for the best note work for the year, to be determined by the Bar Association and Faculty Committees.

6. A report to be made each year at the annual meeting of the Bar Association by the Law School organization of the expenditures, the success of the publication, income and such other details as will be helpful to this Association, and including suggestions for the better publication of the Journal as experience may disclose.

Respectfully submitted,

FRANK E. EVERETT,
W. G. ROBERDS, Chairman.

I move the adoption of the report, with the amendment that, if necessary, as much as $200.00, in addition to the $1,000.00 specified for the publication herein, be appropriated by the Association for securing articles for the journal.

PRESIDENT VENABLE: Gentlemen, you have heard the motion made that the report be adopted; is there a second?

MR. WELLS: I second the motion.

PRESIDENT VENABLE: You have heard the motion that the sum total of $1,200.00 be appropriated to assist in the publication of the Journal and place it in the hands of the members of the Mississippi State Bar, $200.00 of which is to be used for obtaining articles for the Journal. Are you ready for the question?

MR. BUTLER: A point of observation I want to make is about the $200.00. I have no objection to the report being adopted as made, but I think it is unwise for this Association to spend $200.00 for the purpose of getting someone to

contribute articles to our Journal, and I understand it means in its last analysis we may pay someone for writing an article. I do not think we ought to do that. I think if we cannot get enough volunteers in our own ranks, and enough volunteers from the colleges and professors within our state and without our state, we ought not to go out and pay for articles contributed to the Journal. I feel reasonably sure that this Committee will not spend any of that $200.00 in that way. Personally, I would be opposed to that particular feature of it.

PRESIDENT VENABLE: I want to say that the $200.00 appropriation is this: The thought was that the effort would be made each time the Bar Journal be edited to have a leading article by some member of the Mississippi Bar on some subject of interest to the Bar. That would not be paid for, of course. But I understand it is customary, for instance, when we have asked a man like some eminent professor of law at one of the great universities, like Yale, or Harvard, it is customary, not so much as paying them for the article, but it is customary to give them a check for a small amount of money. I understand that is customary among the law journals; and it is to meet that condition, as I understand it, that this appropriation was suggested.

MR. BUTLER: That is the part I object to.

JUDGE KIMBROUGH: The chances are the $200.00 will not likely be used at all; but an occasion might arise where a member of the Bar of the State might be late with some particular article, and we could have that at our disposal that we could use. But I will say to the gentlemen of the Bar Association the chances are that the $200.00 will never be used, because as a rule we have enough lawyers or professors who write articles who will be glad to have them published, but an occasion might arise where we would want to use it. But I will say this: Not one dollar of it will be used until after conference with the President and Secretary of the Association.

PRESIDENT VENABLE: Is there any further discussion, gentlemen?

MR. JONES: My objection to the recommendation of the Committee does not go to the fees for publishing the Journal that we will pay; that part of it is all right. My objection goes to the details of the conduct of the Mississippi Law Journal, or whatever it may be called. I have been a member of the Association for years, and as I understood the proposition when I first became a member of the Association, this Mississippi Law Journal, or magazine,

would be sent to all members of the Bar Association as a part of their dues, or a part of their fees. I have never received a copy. Now, I think this $200.00, if voted at all, should be given to some competent man to see that every member of the Bar of the State receives a copy of that Journal.

PRESIDENT VENABLE: It is to go into the hands of every member of the Mississippi State Bar.

MR. JONES: Then, I am in favor of the $200.00.

PRESIDENT VENABLE: The purpose is to have a magazine through which communication can be had with the members of the Bar.

MR. JONES: That the Bar shall receive that Journal?

PRESIDENT VENABLE: Yes, sir.

BY MR. CAMERON: Mr. President, and Gentlemen: They are talking about retrenchment, that we ought to begin at home. In the light of the explanation that no Mississippian is supposed to receive this money by way of contribution for any article, occurs to me that we have an idea of sending this $200.00 beyond the State. I object to that. I think we ought to keep what money we have at home. In my judgment, your Committee's report ought to be approved as read, with the exception of the part about the $200.00. I rise simply to object and protest against the payment of $200.00 to put these articles in our local Law Journal.

MR. McINTOSH: Mr. President, I move the report be amended by striking out the $200.00.

MR. CAMERON: I second the motion.

PRESIDENT VENABLE: The question is called for. All in favor of the motion let it be known by saying AYE; all opposed NO. A division is called for. All in favor please rise, and the Secretary will count them. All in favor of the amendment as offered, which was that the appropriation for $200.00 be stricken from the report, will stand. This means not to spend any money at home or abroad.

SECRETARY JIGGITTS: I count thirty-one.

PRESIDENT VENABLE: All opposed to the amendment will please rise.

SECRETARY JIGGITTS: I count sixty-eight.

PRESIDENT VENABLE: The amendment has failed by a vote of 68 to 31. The question recurs on the motion of Mr. Roberds that the Committee report be adopted, carrying with it the $200.00 appropriation. All in favor will say AYE; those opposed NO. The AYES have it, and it is so ordered.

I have been requested to announce that there is a meeting of the District and County attorneys in the Directors' Room; all prosecuting officers are requested to attend that meeting.

The next order of business on the program is the report of the Judicial Council. I will ask Judge Griffith, who is Chairman of the Committee that drafted the measure, to come forward and present that report.

JUDGE GRIFFITH: Mr. President, and Gentlemen of the State Bar: As preliminary to this draft, we have prepared only two pages, stating what the draft is about. This was because in the proceedings of the old Association this matter had been gone into fully; the reports are very elaborate, and it occurred to us that simply by referring to the journals of the other Association meetings the members would find a complete history of this transaction. It has been suggested, however, that before reading this draft, and inasmuch as the two pages here are rather skeletonized, that I might make a short summary or history of this movement in this state and other states, as far as it has been brought down to date.

It is to be said that this is a report of the draft by the old committee—the draft of an act for the creation of a Judicial Council, and the remainder of the proposed act is to be what you might call a Constitution, upon which the Judicial Council is to act.

Now, you have heard in these addresses here of both the President of the National Association and our own State Bar, something of the movement which has been going on for some time throughout the country for the simplification of procedure, particularly in courts of law. That was first undertaken when it was found it couldn't be done by legislative action by conferring upon the supreme courts what they call rule-making power. Several of the legislatures passed acts enabling the supreme court to promulgate rules of pleading and practice in their states; and there are nine states now where the supreme courts have power to enact, just as by legislative enactment, all rules of pleading and practice. It has been found, however, from actual experience that this has not worked well; in fact, has not worked at all, except in two of these states. As an example of that, we might mention that in Alabama the Supreme Court has had power for many years of passing all necessary rules, prescribing the form and contents of pleadings, and all methods of practice in trial courts in that state. Yet, all you who live along the Alabama line know that

there is not a state wherein the condition of practice—the rules of practice are in a worse state of chaos than in the State of Alabama. That is because the Supreme Court has never done anything about it. They have not done anything about it in seven of the nine states where they possess this power. So that about twenty years ago a movement was started, copied somewhat after that in England, to create judicial councils, and these are not to consist entirely of judges, but of judges and lawyers; and that movement has gained such headway that they now have judicial councils in sixteen of the states, and they are proposed in a number of other states. In most of these states these judicial councils, the majority of the council are judges either of the supreme court or the trial courts. I believe in all of them that have so far been adopted the majority of the council are judges. In a few of them they have adopted the scheme of having a few laymen. Now, when this was first proposed here in 1930 to the Bar Association by Dean Kimbrough that council was proposed to be a majority of judges and a minority of lawyers; but the present draft proposes a minority of judges and a majority of lawyers and laymen, combined. If that be regarded as a startling proposition, we must note to the contrary that the rules which they adopt are subject to the approval of the Supreme Court, so that the judicial department has the veto power and the approval power, and this feature has the further effect that when the Supreme Court approves these rules it removes any doubt as to the constitutionality of these rules as against the question that the legislature cannot delegate to a non-judicial body the power to make rules of practice.

The first part of this draft deals, then, with this judicial council—the personnel; the second part with the short practice act; and when I read this draft your mind will immediately recall some remarks made here this morning by both of the two Presidents.

I might say more particularly that the recommendation to adopt a judicial council in Mississippi was approved by the old State Bar Association at the session in 1930. A committee was then appointed to draft an act. At the session in 1931 the committee reported that they had not been able to complete their studies on it, and asked for further time. During the summer of 1931 the committee went into this

matter elaborately; made an elaborate study of all available literature, and we present this draft here as the result of that study. I think that will be a sufficient statement to make of what we have been trying to do.

It is not proposed that this draft be adopted now. When I conclude the reading, I shall move that it be received, filed and remain on file for the consideration of the State Bar until its next annual session, and that at its next annual session it be given special order on the program, so it may lay on file and be considered by the members of this full Bar for one whole year's time; it can be published and everybody can consider it.

REPORT OF COMMITTEE ON JUDICIAL COUNCIL

To the Mississippi State Bar:

At the 1930 session of the Mississippi State Bar Association there was approved the report of a special committee, which report had recommended the establishment in this State of a judicial council with rule making powers, subject, however, to the terms of a short practice act. At the same session a special committee was appointed to draft a suitable legislative act to carry the proposal into effect. At the 1931 session of the Association, the committee was continued with directions to make its report to the 1932 session.

During the summer of 1931 the committee devoted considerable time and research to the task and as a result thereof has prepared the legislative act in complete form. Although the Mississippi State Bar Association has ceased to exist, and in its place there has been established by statute the Mississippi State Bar, the President has requested that the report of the committee be made to the present bar organization, and the proposed draft is accordingly herewith submitted.

AN ACT TO CREATE A JUDICIAL COUNCIL, TO PROMOTE THE EXPEDITIOUS AND ECONOMICAL ADMINISTRATION OF JUSTICE, TO ENACT A SHORT PRACTICE ACT, AND CONFERRING UPON SAID JUDICIAL COUNCIL CERTAIN RULE MAKING POWERS SUBJECT TO THE LIMITATIONS CONTAINED IN SAID SHORT PRACTICE ACT.

SECTION I. Be it enacted by the Legislature of the State of Mississippi, That there is hereby created and established a judicial commission to be known as the Judicial Council of Mississippi, which shall be composed of twelve members, to-wit: Five judges, four practicing attorneys, and three laymen.

(a) The five judicial members shall be as follows: Two judges of the Supreme Court, one Circuit judge, one Chancellor, and one County judge, all of whom shall be designated by the judges of the Supreme Court, by an order entered on the minutes of said court.

(b) Three of the attorney members shall be designated, one from each Supreme Court district, by the board of commissioners of the State Bar.

(c) The three lay members shall be appointed by the governor, one from each Supreme Court district, and one of whom, if available, shall be a journalist actively engaged in his profession.

(d) When the aforementioned eleven members have assembled, they, or a quorum thereof, shall elect, from among the members of the bar of the state, an additional member, the person last mentioned to be the chairman of the council. The terms of said members shall be as follows: Each of the judicial members shall hold his membership during the remainder of his term in the office which qualifies him to become a member, and the other members shall each hold for a term of four years. In case of a vacancy the authority which made the original appointment shall fill the vacancy, which, in the case of a lawyer or lay member shall be for the unexpired term. Nine members shall constitute a quorum.

SECTION II. It shall be the duty and jurisdiction of said judicial council to make a continuous study of the organization, rules and methods of practice and procedure of the judicial system of the state, the work accomplished, the results produced, by that system and its various parts, and in general, all the problems of administration confronting the courts of the state, to the end that procedure may be further simplified, business expedited, economy promoted and justice the better attained.

SECTION III. The council shall also consider all those features of the substantive law, including the rules of evidence, which have such relation to the procedural law as to make it advisable, in the accomplishment of the ends aforesaid, that there shall be appropriate amendments or changes in pertinent features of said substantive law, and the council shall make recommendations in respect thereto in the manner as hereinafter mentioned.

SECTION IV. It shall be the further duty of the council to endeavor to equalize the work of the several judicial districts of the state and to better arrange the terms and calendars in said districts, and to recommend to the legislature such statutory enactments as may be necessary or proper for said purposes.

SECTION V. The said council shall receive and consider suggestions from judges, public officers, members of the bar, civic organizations and citizens, as to remedies for faults in the administration of justice; and the council shall hold an annual public meeting in the state capitol, of which public notice shall be given, for a full and open discussion, wherein any citizen of the state shall have an opportunity to be heard in respect to any of the aforementioned matters and problems.

SECTION VI. It shall be the duty of the council to meet twice annually, including the public meeting aforesaid, the dates thereof to be fixed in the by-laws of said council; and the chairman, or any five members, may call special meetings upon ten days written notice to all the members of the council. It shall be the duty of each member of the council to attend all meetings and to remain in attendance thereon; and if any member shall habitually fail to do so, it shall be obligatory upon the council to enter an order adjudging and declaring that the delinquent is no longer a member, and notifying the proper authority to fill the vacancy.

SECTION VII. The secretary of the State Bar shall be the secretary of said council, and his compensation for his services to said council shall be fixed by said Bar and paid by it. The duties of the secretary of the council shall be prescribed in the by-laws of said judicial council.

SECTION VIII. The clerks of the several courts and other officers thereof shall make to the council such reports from time to time as the council shall prescribe and require. The council shall have power to summon witnesses and

to require the production of books and documents, and any member of the council is authorized to administer oaths to said witnesses. A witness who fails to appear when duly summoned or who refuses to testify or who gives false testimony, shall be subject to the same penalties as is a witness before a court, and the aforesaid duties may be enforced or the penalties imposed by any competent court of original jurisdiction.

SECTION IX. The council shall have power and it shall be its duty to adopt suitable by-laws for the conduct of its business, and may therein provide for special committees from among its membership, and charge such committees with such of its duties and delegate to said committees such of its powers as it may deem proper; provided, however, that the action of committees shall be subject always to the final control of the council.

SECTION X. The council shall report biennially to the legislature, and in all cases where a recommendation is made of the need or propriety of legislation upon any particular subject, the said recommendation shall be accompanied by a complete draft or drafts of a bill or bills to cover the said subject or subjects.

SECTION XI. The members of the council shall serve as such without compensation, but shall be reimbursed for the actual and necessary expenses of travel, board, clerk hire, stationery and postage incurred in the performance of their duties as members, the amounts thereof, respectively, to be certified by the chairman of the council and paid out of the treasury of the State Bar; provided, however, that the aggregate of all the expenses mentioned in this section shall not exceed the annual sum of five hundred dollars.

SECTION XII. The following sections of this Act may be known and cited as the "Short Practice Act." The said sections shall be liberally construed to the end that civil causes may be speedily and economically determined according to the substantive rights of the parties under the actual facts, and particularly to effectuate the object that the time and expense of courts and of parties and witnesses shall not be wasted upon issues of fact that are not in good faith actually in dispute between the parties or between some of them.

SECTION XIII. To the ends aforesaid, the Judicial Council herein created is hereby vested with the power, subject to the conditions and limitations hereinafter mentioned, to adopt and promulgate general rules governing the pleading, practice and procedure in all the judicial courts of the state, other than the Supreme Court, which rules when adopted and promulgated by said Council shall have, on and after the first Monday in January following their adoption and promulgation all the force and effect of statutes: provided, however, that every rule or group of rules, or any addition thereto or amendment or abrogation thereof, shall (1) be promulgated at least ninety days preceding the said first Monday in January, and (2) before being promulgated must first be submitted to the judges of the Supreme Court and have the written approval of a majority of the judges of said Supreme Court; provided further that when submitted to the said judges unless the majority of them shall within thirty days from the date of submission reject the same, or a part thereof, the said rules, or such part or parts thereof as are not rejected within said period, shall be considered as having the approval of a majority of said judges; and provided further that no rule made by said Council shall apply to any cause actually pending at the time of the adoption of the rule or rules.

SECTION XIV. Upon the going into effect of the rules hereby authorized, the common law rules of pleading and practice in courts of law shall be of no further force or effect in this state in civil cases; but this Act, the rules so promulgated, the existing statutes of this state not abrogated by said rules,

and the principles of equity practice as modified by statutes and rules shall, so far as applicable, prevail instead of said common law pleading and practice.

SECTION XV. In so far as consonant with the ends and objects hereinabove expressed, the rules adopted by said Council shall in general conform to the rules and principles of the pleading and practice in equity, as modified by statute: provided that formal pleadings shall not be made requisite in courts of justices of the peace; and provided further that no rule shall be made which shall impair the right of trial by jury in the courts of law.

SECTION XVI. The form of a declaration or petition in actions or proceedings in courts of law shall be substantially the same as a bill or petition in chancery; and it shall contain a succinct statement of the facts constituting the cause of action, in ordinary and concise language, without repetition; and if it contain enough matter of substance for the court to proceed upon the merits, it shall be sufficient.

SECTION XVII. The defensive pleading in actions or proceedings at law shall be by answer or demurrer or both; and all the statutes and rules in respect to answer, plea and demurrer in equity shall apply to proceedings in courts of law.

SECTION XVIII. Allegations or denials made without reasonable cause and found untrue shall subject the offending party to the payment of such reasonable expenses as may have been necessarily incurred by the other party by reason of such untrue pleading. The amount of expenses so payable shall be fixed by the judge at the trial, on his own motion or on motion of any of the parties, and taxed as costs.

SECTION XIX. Any party may call upon any other party by written notice, served in such manner and at such time as may be provided by general rule, to admit for the purpose only of the particular cause, the existence, due execution, signature or mailing of any document; and to admit any other specific facts material and relevant to the issues in the said cause and mentioned in the notice. In case of refusal or neglect to make such admission within such time as may be fixed by general rule or special order, the reasonable expenses of proving the same, to be taxed by the court, shall be paid by the party so notified, whatever the result of the trial may be, unless the trial judge shall adjudge upon grounds stated in an order, entered by him, that the neglect or refusal was reasonable. But upon a clear, affirmative showing therefor, and on proper terms, the court may allow any party to withdraw or amend such admissions.

SECTION XX. At any state of a trial the court may require counsel to state orally, and make the same of record in the court reporter's notes, what matters are not actually disputed, and may proceed (1) by deciding any question of law arising on admitted facts, or (2) by framing an issue or issues upon facts in dispute. And in actions at law, whether arising under the common law, or upon a statute creating a new substantive right, rules may be provided for the submission to the jury of issues of fact in a simplified form, similar to the practice in trials of issues devisavit vel non.

SECTION XXI. Appropriate rules shall be provided for the admission by intervention or otherwise of third persons (1) who claim title to the property in litigation, or (2) some legal or equitable interest in or lien thereon, or (3) whose interests in said property would be substantially affected by the judgment or decree in the cause.

SECTION XXII. Until short practice acts shall have been passed so permitting, the rules of said Council shall not enter upon the practice or procedure in respect to crimes or probates; but shall in the meantime be restricted to the pleading, practice and procedure of said courts in the exercise of their civil jurisdiction, but the latter shall include not only those matters of civil jurisdiction which arise out of the common law and the general principles of equity jurisprudence, but as well all substantive rights of a civil nature which have been or shall be created by statute.

SECTION XXIII. The printing of the rules and reports required by this Act shall be done and shall be paid for as other public printing is handled under Article 5, Chapter 151, Code of 1930. When rules are printed a sufficient number of copies shall be delivered to the secretary of the council, who shall mail a copy to every practicing lawyer in the state, and to every judicial officer, clerk and sheriff. The rules shall also be printed in the volume of the Mississippi reports, next issued after the promulgation of said rules.

It will be observed that the personnel of the council has been altered somewhat as compared with the recommendations of the original committee. Particular attention is called to the fact that the present draft proposes three lay members of the council, five judges, and four attorneys, one of the latter class to be the chairman of the council. This recommendation in respect to the membership has been brought about by a study of the history of legal reform in England, a concise sketch of which may be found in *The Consensus*, March 1931, published by the National Economic League. Among the considerable mass of other literature examined by the committee, was the complete treatment and summary of all the legislation in the several states on the subject of judicial councils, contained in the elaborate report of the committee on judicial administration of The Merchants' Association of New York, and which was printed into a booklet of 184 pages and issued in 1931.

The objects sought to be attained by the proposal, and which will be attained if the legislature can be persuaded to accept it, are disclosed by a careful examination of the attached draft. The times through which we have recently passed, and out of which we have not yet emerged, have been a challenge to every individual and to every institution to make immediate and sensible readjustments towards economy and the elimination of waste in whatever form wastefulness has existed. This challenge is directed in even greater force towards all our governmental institutions and agencies. There is a great waste of time and expense in the trial of civil cases in our circuit and county courts today growing out of the fact that unnecessary hours and days are being spent in the proof of facts which are not actually in dispute between the parties, and this is true to a large extent even in our chancery courts. Voluminous records at enormous public and private expense are being made up in case after case throughout all parts of the state, when but a short time and a brief record would be necessary if only the issues actually in dispute between the parties were brought into the testimony. To correct this evil and waste of time and expense is one of the prime objects of the proposal; and since this is reasonably possible only through the continuous study of the problem, and action thereon, by a special commission rather than through direct legislative action, the proposal is definitely placed before the bar of the State in concrete form, and with the hope that, with the approval of the bar, this legislation may at the 1934 session of the legislature, become an accomplished advancement in the modern progress of the state.

Respectfully submitted,

V. A. GRIFFITH, Chairman.

JUDGE GRIFFITH: Now, Mr. President, and Gentlemen: As I say, we are not moving for action upon that today. The legislature does not meet until 1934; consequently, the Association shall have all of the coming year in which to consider the propositions stated. Each member of the bar, when this Journal comes out, can study this act, and by the references here he can find the literature on the subject, if he wants to give it further study. I, therefore, move that this report and this draft be received and filed, and that it lay over for consideration until the next annual meeting of the Mississippi Bar, and that it be made special order for consideration at some specified hour at the next annual meeting.

MR. BUTLER: I second the motion.

PRESIDENT VENABLE: You have heard the motion, duly seconded, that the report be received, together with the proposed draft to be submitted to the legislature, and that it will lie over until the next annual meeting and be made a special order of business fixed by the program of that meeting; all in favor will say AYE—

JUDGE EVERETT: How are the various attorneys to get that? Is it to be published and sent out?

PRESIDENT VENABLE: It will be published in the Law Journal, and will go to every member of the Bar. The Law Journal will be sent to every member, and that is the reason we wanted the resolution adopted, and the State Bar did adopt the resolution, sending the Journal to every member, that they might be informed. All in favor of the motion as made will let it be known by saying AYE; all opposed NO. The AYES have it, and it is so ordered.

Now, gentlemen, I have been guilty of an apparent discourtesy to a gentleman that we invited to address us this afternoon due to two facts, one a request by the Chairman of the Committee that he be heard in order that he might leave under necessity for doing so; and another, because I wanted as many members of the bar to be present and hear this address as possible, and we were late in assembling. I request that the members come promptly to the meetings, at the stated hour, in order that we may start promptly and have an adequate audience for those who are to address us.

It is now my pleasure to introduce to you the next speaker, one better known to you than I am, a gentleman of state-wide reputation as a legislator, a public spirited citizen, and a man of great ability.

It is my pleasure to introduce to you Mr. Alf Stone, who will now address you.

MR. STONE: Mr. President, Gentlemen of the Mississippi Bar, Ladies and Gentlemen: I have not come to you this afternoon with any set speech. I am down on the program for an address which, of course, is a mere courtesy on the part of the program committee. What I shall say is not to be taken as a formal address, in any sense of the word.

I am glad to be with you this afternoon, and to discuss in a wholly informal way some of the problems which confront the State in the matter of taxation and revenue, and some of the ways and means which the Tax Commission of the State is finding by which to meet those problems.

We all have our problems peculiar to different functions of government, the different departments of it. I listened with a great deal of interest to the report presented by my good friend, Judge Griffith.

Not many of you know it now, because I am older than most of you here, but I one time attempted to practice law myself. About the happiest experience of my life, certainly one of the most profitable, was some fourteen months that I spent reading Blackstone in the office of Judge Wiley P. Harris—not only in his office, but in his private office—sitting there talking over with him the things which I found in Blackstone to excite my interest and attention, spending every morning, without any exception, regardless of how busy he was, anywhere from an hour and a half to two hours, according to the mood of the old gentleman. I didn't do any talking, you might well imagine, but sitting there in the privacy of his little office listening to him talk. I would not exchange it for any fourteen months of my life. I developed there the feeling that we had produced in this State one of the great characters of all times. If I allowed myself to do it, and if I did just what I want to do, I would talk to you about Wiley P. Harris, and I would not discuss taxes, because the life of Judge Harris is a subject you cannot exhaust, his life and his significance to Mississippi, everything that it meant, was a legacy which he bequeathed to Mississippi, something which was beyond all price.

I was there when the Constitutional Convention of 1890 was held; I was present when delegation after delegation of distinguished men from all over Mississippi came to our office and discussed with him the possibility of being a member of that Convention. I stayed down in town the night the Convention was held at Raymond; I waited down in town at Jackson—they didn't have telephones in those days—to see what the Raymond Convention had done, and someone finally drove over with a horse and buggy and told us the Convention had selected Judge

Harris and Judge Calhoun to represent Hinds County in the Convention, and it adopted a resolution instructing them not to vote for a property or educational qualification act. I always waited up on State Street, my father's house, and when Judge Harris came by in the morning we walked down together. The office was about where the Daily News is now, was upstairs over Tony Mueller's cigar store, and he had an old fashioned Indian, one of these old cigar signs. This morning I told Judge Harris what had happened. He laughed—he had a keen sense of humor. I told him they had instructed him what to do and what not to do, and asked him what he was going to do about it. He says, "Well, when they notify me officially, I guess I will write them a nice note and tell them that they made a mistake, and what they wanted to do was to borrow Tony Mueller's wooden Indian." Well, in effect, he did that.

It is a tribute to our people, a tribute to the type of men who composed not only the Convention of 1890, but a tribute to the type of citizenship to send those men to that convention. After about twenty-four or thirty-six hours deliberation the committee re-convened the convention and rescinded the resolution, and Judge Harris and Judge Calhoun went without any instruction. Now, then, so much for that digression.

I don't know whether it was because of a lesson, or the lessons generally, I learned at Judge Harris' feet, but when I started out to practice law over in Greenville, just about forty-two years ago, one of the first cases I had, and I was badly in need of a case, a friend of mine down about Lake Washington, old man Johnson, had a darky who had committed—well, he had killed another darky. He thought his man was absolutely in the clear, and it was the other darky who was at fault. Well, he came along, and the first thing he did, after he told me about the case, he gave me $100.00. That was the first $100.00 fee I ever got—I think it was the last one, also, by the way. I took the $100.00 and it didn't last very long; before I got through questioning my darky the first time I was at the jail the $100.00 was already spent. But after I talked with that darky once or twice and questioned the witnesses Mr. Irving sent up there to me, there wasn't the slightest shadow of doubt in my mind that it was a cold-blooded murder. My duty was absolutely clear to my mind; I wasn't going to take anybody's $100.00 and defend a negro guilty of murder. The money was gone, so I went around and took up a collection among my friends and got together $100.00, and I went down in the country about thirty-five miles and told Mr. Irving about it; and he looked at me and says, "Alf, I see I made a mistake." He says, "I thought I was consulting a lawyer; I find out that what you are doing is preaching." He says, "You haven't got sense enough to be a lawyer; what you ought to do is to be a preacher." That about broke up my career as a lawyer. He says, "Here is a notorious case in town, a bunch

of men as crooked as a barrel of snakes''—they didn't have any bankruptcy laws in those days—he says, ''One of my distinguished friends is just about to put them through the ropes by making an assignment of his property; would you do that?'' I says, ''No, I think it is a crooked deal, and I wouldn't do it.'' He says, ''There is nothing left for you to do then; you had as well quit practicing law.'' But I never did get very far with it. That is not any reflection on anybody here; that's just all there is to it, you know. It shows you that I was not cut out for practicing law. I am not preaching either, you know.

This thing I am talking about now is not a sermon; I am just indulging in some reminiscences. It was a joke around the Greenville bar for quite a while whether I had made a mistake in attempting to practice, and Ben Humphreys used to read me a lecture on the fact that I had declined to defend that poor darky and give him a chance for his life. He asked me what I would have done if I had been appointed. I told him I would have defended him as far as I was able, but I wasn't going to take his money. It is a far cry from there back to being Tax Commissioner, but we will come back around to it.

As I stated a while ago, I just want to discuss some of these problems here, and I am going to do so in the first person, because that's the only way I can talk about it, because it is a job that presents itself to me, I have got to handle it, and I am going to take you into my confidence; I am not going to hold anything back from you, and I am not going to talk too long—some men are out there waiting to see me now.

When Governor Conner put this proposition up to me of taking the position of Chairman of the State Tax Commission it did not appeal to me at all; I did not believe it was possible to do the sort of job I wanted to do under the circumstances, and I did not want to undertake it. I do not know of any better statement I can make as to the attitude of the legislature and the Governor with reference to these problems than to say we all got together, the Governor, the legislature and myself on this basis: That they were to give me whatever authority I thought was necessary to administer the laws they were to turn over to me for administration, and I was to have a free rein; I was not to be interfered with by the Governor on the political side, or in any way dictated to by anybody at all, with reference to the transaction of the affairs of the office. In other words, we went into a sort of agreement, the legislative committee, the Governor and myself, that we would try out here in the State of Mississippi at this critical juncture of our affairs an experiment. That experiment, as I laid it down and as I stated it, and as they agreed with it, was that we would try the proposition—try it out fairly and honestly—of so administering the tax laws of the State as to take the people of the State—the taxpayers of the State—into

partnership in that administration. I told them at the time I did not want to use the word "enforce" in it, and I have not so far had occasion to. We may have it to do. If we have to do it, we will enforce the law; but my theory was and my hope still is, that I can give such administration of these laws as will of itself carry its own enforcement. With that end in view, the legislature placed on me the authority for the entire administration of these acts; it abolished all the laws with reference to discrimination or diffusion of authority; it abolished all the offices in the Tax Commission, and abolished all the salaries. When I first went in there my first thought was not to fire somebody; I was not under any obligation to give any political positions to anybody at all. My first thought was to try to find out what it was all about. I did that. I am, in no sense of the word an expert on tax matters. The only qualification I can bring to bear in that office is a fund of common honesty and common sense. and the desire to render some service to the people of the State.

Added to that, I want to say, too, that one of the principal assets that I have in that connection is an infinite degree of curiosity—I have more curiosity than any woman who ever lived in the world, and I am free to admit it. One of the first things I did when I called these people into conference, the people I called in to work, take my ideas, and make it possible for me to translate those ideas into accomplished realities—one of the first things, I told them I wanted a set-up which would make it possible for me to know where these taxes came from, what counties, how much from each county, how much from each of the principal towns in the State. They said, "What do you want to know that for?" I said, "I just want to know it; that is an important part of it from my standpoint. Furthermore, I want to know what is the occupational origin of these taxes." Here is what I want to know, and why I want to know it: One of the taxes which were handed to me was this so-called sales tax—as a matter of fact, we call it sales tax—you will not find sales tax referred to in the act, except possibly once or twice, and in a very casual manner at that. What is it, then? It is simply the imposition of a consumption tax estimated through a privilege tax. It is a gross income tax, a tax on your entire income. There isn't any tax imposed on the sale; there isn't any tax imposed on the purchase, or the individual making the purchase; the tax is imposed on the party who renders a service or who sells the goods, or who, in other words, acts in the capacity of a vendor.

Now, there is a great deal of incorrect information in regard to it. It is one of the oldest forms of taxation we have. We had a so-called sales tax law in Mississippi seventy or seventy-five years ago. It is a law which has been tried in every civilized country of Europe; it has been tried in possibly twenty states in the Union. The statute which we have on our books today, and which we adopted in 1932, was borrowed from the State of

West Virginia. I can read you section after section of that law. But will hardly find an economist of the first rank in America who believes in a sales tax. In other words, the history is that the sales tax has broken down in the main where it has been tried. I knew something about the history of these things, and what I set out to do was to see if we could not in this State so administer the law that we might make a success of it.

I was in Washington about three weeks in March, at the time when the question was being agitated in Congress of a federal manufacturer's sales tax, something that they had under very serious consideration, and which they will probably bring up again. A good many years back, from 1903 to 1910, I lived in Washington. I knew every Congressman of America of any standing, all of the older ones, men of my age, and those who are still living I still know. They were all gathered there, a great assembly of them, on that general proposition during March, 1932, and in those gatherings, the very few gatherings they had, when they understood I was going to take a job down in Mississippi to administer the sales tax, they were very much surprised, to express it mildly; they didn't believe it was possible to do; I believed it was, and it was an opportunity for me to try out the theories that finally led me, not only with reference to that, but some other things, to take this job. I did it with the understanding that I was going to try to sell my effort and myself to the people of the State, and whatever my own name or whatever my life might stand for with the people of Mississippi, knowing as I did that they did know there isn't any office in the world I wanted, that there isn't anything in the world that I am a candidate for, or expect to be a candidate for; there isn't anything I want from my people in Mississippi except their confidence, regard and goodwill—that I believe I have—it was the thought on my part that I could capitalize those things for the good of the State, for the good of the people as a whole, that induced me to try this job. And that is the way we are working it out today; we are doing it with very gratifying results. I wish you could see some of the letters that we get; I wish you could see the general attitude that our people are taking with reference to this thing.

In 1931 the Brookings Institute made a survey at the instance of the Research Commission. Several members of it are here. Judge Griffith is a member. That report was not favorable at all to a sales tax. The tax expert of the Brookings Institute, Dr. Benjamin P. Whitaker, of Yale, like most economists, does not believe in a sales tax, that is, as a permanent feature of a tax program. He felt that way about it at the time. I conceived the idea that, in view of the necessary financing with which we were confronted, the matter of refunding a lot of our obligations and issuing some new securities, it might be a good idea to get Dr. Whitaker down here at this juncture, and find from him

if I could change the attitude on his part, or, at any rate, get his reaction to what we had undertaken to do, or what we had accomplished since the first of May, and since he was here last fall. He was making a tax survey for the State of New Hampshire. He is now engaged in that. I secured, in conjunction with his efforts and of the Brookings Institute, with the consent of the Governor of New Hampshire, his release. He came down and spent all of last week with me. I wish very much that you could have had the pleasure of listening to a talk, or a discussion, of these things from him. He was very complimentary of what we had done. He said, "I can give you a practical illustration of what you have done down there in overhauling the Tax Commission, changing the general physical aspects of it, in this way." He says, "A friend of mine was in your office yesterday"—this was a week ago today—"his concern, a security company of New York, held something more than a million dollars of Mississippi securities; he came down here with a good deal of apprehension." Dr. Whitaker said that this friend of his from New York told him that as soon as he walked into the Tax Commission office and looked around and saw the way they were running the thing there, he told him (Whitaker) he felt his million dollars was absolutely safe, he was not only going to take those securities, but was going to advise his company in New York to take on a lot more of Mississippi paper. So much for appearances, which were made possible only by co-operation with the Supreme Court. There we come in again to the fact that I am capitalizing my advantage by the fact that the Chief Justice of the Supreme Court and myself went to school together at the University of Mississippi. I am not ashamed to say how long ago, but I think he is, and I will not mention it. I might say, he went at the same time Tonquin Stovall went. We all went there together. It was impossible for me to do anything in the Tax Commission office without getting some additional room, and I got the Supreme Court to let me have a storage room of theirs which had not been opened in twenty-three years, and that made possible everything that was done; so, I am perfectly willing to ascribe to the Supreme Court credit for the whole action.

We are raising today more revenue than we anticipated. I will not burden you with a lot of figures; I do not think it is wise to attempt to do it; but I will say this: That in August, 1931, we had collected from all sources $582,000.00 of revenue; in August of this year $830,000.00. In other words, we are about $300,000.00 more to the good than we were this same month a year ago.

I talked to Dr. Whitaker, who is now preparing his report in Washington—I had an interesting conversation with him today over the long distance phone. He said he was prepared to say one thing in this report, after carrying back the figures with him, that while at the end of July, 1931, we were running $1,-

300,000.00 short of our necessary requirements in revenue, at the end of August, 1932, we were running $350,000.00 ahead. He told me over the 'phone less than three hours ago—he says, "I can tell you this much, I am going to let the bond houses in New York know that Mississippi is one state in the Union that has really, definitely and in fact balanced its budget." (Applause.)

I wish very much that you gentlemen, all of you who can do so, would come down and visit with us, and see what we have done. There is nothing spectacular about it; nothing remarkable about it; we have simply taken a business and applied common sense rules to it, and one of those rules has been the Golden Rule. I have told the young men whom I have sent out to various parts of the State, that I wanted, so far as it was humanly possible to do so, to avoid not only the semblance but the thought and attitude of the traditional tax gatherer of history. I tried to inculcate and instill in them the idea of helpfulness. There is nothing that pleases me so much as to receive a report such as I got from one of these field men this morning that last week he was able to show eight or nine men, taxpayers, on their sales tax returns that they had paid too much tax; while not a great amount, but from five to twenty-five or thirty dollars, and arranged for a refund of that later on. I would rather be able to tell a taxpayer he is paying too much than to have to ask him to pay something else.

Now, that attitude these young men have assumed, and they have taken that, and they have gone about over the State, and I have tried to tell them, and tried to instill in them, the idea that I have myself with reference to this job, that is, that the Chairmanship of the State Tax Commission did not belong to Governor Conner to give me; he has not given me anything, except an opportunity for service; it did not belong to him, and it does not belong to me; I have taken it as a trustee for all of the people of the State. That is the way in which I have tried to administer it; that is the way in which I intend to continue the business of the office; but I cannot get by with that program without a genuine, full, heartfelt co-operation of every man and woman in the State. And rather than make you an address this afternoon, rather than deal with a lot of figures, I am simply here making an appeal to you for your co-operation, not for me, not for any personal aggrandizement or reward for me, but for your co-operation in trying to do something for the people of the State. (Applause.)

PRESIDENT VENABLE: We have enjoyed very much this address, and I feel sure I voice the sentiment of the organized Bar of the State of Mississippi when I say to Mr. Stone that he will receive hearty co-operation and sympathetic assistance in any way possible of the lawyers of Mississippi.

Our next report is the report of the Study Committee

under the Unified Bar Act. It is made the duty of the organized Bar of Mississippi to make recommendations to the Legislature with respect to matters wherein improvement is thought possible in the law, administration of justice, procedure, or anything else relating thereto. That necessarily implies that this Bar shall carry on studies and investigations, and it will be the function of this Bar to adopt subjects for investigation, and as a preliminary and preparatory matter the Board of Commissioners appointed a study committee, that they might briefly survey the field at this time, only partially, and suggest to us possible fields for investigation. I will now call on Mr. Currie, who is Chairman of that committee, to send in his report.

REPORT OF STUDY COMMITTEE

To Hon. W. W. Venable, President, Mississippi State Bar:

Your Study Committee, appointed by the President in pursuance of the by-laws to make suggestions as to investigations and studies for the improvement of the law and its administration, respectfully suggests the following:

1. There are approximately one hundred sixty thousand lawyers in the United States, which largely excels the number of doctors, dentists or ministers. In ten years the number of lawyers has increased approximately thirty-eight thousand, and in fifteen years the number has grown by one-third. There are currently forty thousand students studying law. We suggest for consideration whether such overcrowding of the profession may not be due to laxity or lowness of requirements and standards, and whether standards of qualifications of education and character should not be raised.

2. We suggest for consideration whether the lawyers may assist in the selection of judges. In many states the lawyers select the candidates for judge. Voters are not always acquainted with the qualifications of judges or the operations of courts, and general political campaigns do not always comport with the dignity and judicial bearing of judges. We recommend a study of plans in vogue in many other states where judges are elected by the people.

3. We submit for consideration the proposed changes in the bankruptcy laws. It appears to your committee that the contemplated amendments amount practically to a new law, which seems to create many new offices, and which tends toward bureaucracy; however, we think the importance of the subject merits reference to a special committee for such action as may be determined.

4. We suggest further consideration of the question of establishing a judicial council, with rule-making power. It is the view of your committee that such a council would contribute greatly to the clarity and symmetry of the law, and to the efficient operation of the machinery of government.

5. We suggest the desirability of a general survey respecting the redistricting of the state, for the purpose of arriving at an analytical solution of the problem.

6. We submit whether it would not be desirable to undertake annotating the re-statements of the law, as published by the American Law Institute.

Respectfully submitted,

GEORGE W. CURRIE, Chairman.

PRESIDENT VENABLE: You have heard the report, gentlemen; what will you do with it?

MR. STOVALL: I move it be received and considered.

MR. PILGRIM: I second the motion.

PRESIDENT VENABLE: You have heard the motion and the second, that the report be received and considered; all in favor of that will let it be known by saying AYE; all opposed NO. The AYES have it and it is so ordered.

MR. CURRIE: I would like to say that it is the view of the Committee that the proposed amendments to the bankruptcy law, as you know, have been before the Congress of the United States through committees and reports of the Department of Justice, and will probably be presented in open session of Congress before another meeting of our Association; and if it is the view of the Association that any action be taken by it respecting proposed changes or study of it for information or expression of views to our Senators in Congress, some special committee might be appointed for that purpose. We had nothing in mind agreed on in the report. I merely call attention to that, because if there is any desire on the part of lawyers who practice in bankruptcy, or possibly who might be interested in that report, that sort of action ought to be taken prior to the next meeting.

PRESIDENT VENABLE: I will ask the Secretary to preside for a moment.

(Secretary Jiggitts in the Chair.)

PRESIDENT VENABLE: To my mind, the chief function to which this Association is capacitated to perform and really the paramount purpose and object of it, is for us to carry on investigations as to concrete questions and problems, in the field of law, or in the administration of justice, so that we can perform the duty imposed upon us by the act which organized us and make reports to the legislature looking toward improvement. I think the sooner we enter upon that work the better. I think there are a number of matters that are open to investigation; some of them are mentioned in the report you have just heard; there are others, and I believe that at this session we ought to take some action looking toward the selection of certain things to be considered, and study them during this next year in order that we might get appropriate committees to work upon them.

In my paper this morning I mentioned one or two of several matters, not to persuade this body as to any position

relative to them, but in order to indicate as best I could that there was a field in which to work.

I think a practical thing we are going to have to meet very shortly, at the next session of the legislature anyway, is the question of the re-districting of the State. Now, that re-districting can be done politically, it can be done by guesswork, it can be done efficiently, or it can be done scientifically, upon a thorough study of conditions and with a full knowledge of the facts.

I believe that this Association can render a real service by taking the circuit court dockets of these districts and analyzing those dockets, taking the data of a case, the time consumed, the type of cases, the length of time it takes normally to try cases in the several counties, compile all that data and, if they see fit to do so, prepare a re-districting bill which, in their judgment, will equalize the work of the several districts, and give to the State the best re-districting that they think is possible in view of present conditions. That data will be ready to present either to the Judicial Council, if and when constituted, or if any action should take place—the action should take place prior to the constitution of the Judicial Council—it can be presented to the legislature in the spirit of assisting the legislature, not dictating to them, but assisting it in passing proper and adequate legislation.

The question of this bankruptcy act, a question which affects a great many people in Mississippi—if it keeps on it is going to affect everybody up in my country, it looks like—it affects a great many lawyers, something in which a great many lawyers are interested, the citizens are interested. The Congress of the United States is going to be largely influenced by the opinion of the Bar of the several states. We might profitably enter into that subject. While true that would be a national law, it has a local application and a widespread application.

I believe that we should have proper committees to get this Judicial Council law before the lawyers of the State, and stimulate discussion of it. I think that is the next piece of constructive legislation that we need. I think if we can get the legislature to pass the Judicial Council bill that organization, together with our own, will furnish all the machinery we will need to do any work necessary to be done.

In my judgment, the passage of that bill ought to be the main purpose and objective of this Bar Association. Now, in order to pass it, it has to be presented first. We have

to present it to the Bar of Mississippi, the members of this Association. We have to get their views about it; we have to overcome the doubts, and questions which arise in their minds. We possibly have something over four hundred lawyers attending this session of this Bar Association, but there are between twelve and thirteen hundred lawyers in Mississippi that are members of our Association who have a voice equal to our own, who have a right to know about the bill, and to express an opinion about it.

I want to say something to you, the information about which much surprised me when I learned it: The Secretary of the American Judicature Society wrote me that Mississippi was the only state thus far that had passed the unified bar bill on its first presentation to the legislature. When I learned that fact, I thought I would try to analyze somewhat why that was true, and I believe it is largely true because of two things: First, we didn't ask for too much at one time; in the second place, we took the time and made an effort to explain the measure to the lawyers of the State, to get it into their hands and discuss it with them where the opportunity was afforded, to urge its merits, and overcome any opposition by fair argument which might arise. The result was that when the legislature met the lawyers in the legislature were largely—most largely—practically entirely in favor of enacting it. They, in turn, recommended it to the lay members of the legislature, and the bill went through with remarkably little opposition.

The same thing is going to have to be done with this Judicial Council bill. We must bring it to the members of the State Bar, and I think the way to do that would be to appoint appropriate and proper committees whose business it is to do that.

Now, if you impose that upon one man—and I speak more or less from experience, because in the campaign for the unified bar bill I had every assistance lawyers could render when I called upon them; I never called upon a single lawyer who did not make every effort to assist me in every way he could, but from the nature of the case the campaign for the bill fell upon my shoulders, for the reason that there was no machinery provided by which that work could be distributed. I think it could be done more effectively if you had proper committees whose business it is to provide ways and means to get this bill in the hands of every lawyer, call his attention to it, inviting him to write letters urging any objections he may have, in order that we may discuss those objections with him and point out the merits of the

bill, so that when the legislature meets the bill will, as a matter of fact, be already passed. I think that ought to be done.

Now, during this meeting—I am not suggesting any motion you should make, or how you should do it, but I do believe we should have some one to select, or some committee to select, certain things we should do, with the proper appointment of committees, so that we will not have to wait from now until next year to start to work. Let's start to work now. If we wait a year before we get busy on concrete tasks the business is largely going to lag. I hope you will pardon this intrusion upon your orderly procedure.

(President Venable in the Chair.)

MR. CHAMBERS: Mr. Currie very properly called attention to the fact that the pending bankruptcy bills would be acted upon before another meeting of this Association, which might at that meeting take any action having any bearing on it whatever. Therefore, if anything at all is done calculated to influence the delegation from Mississippi in Congress it would have to be done as a result of some action taken at this meeting, or under the sanction of this meeting.

I have studied all the amendments proposed to the bankruptcy act which Mr. Currie states in his resolution; I have talked with a great many other lawyers who are engaged to a considerable extent in practice before the bankruptcy courts, along with the referees, and in view of that, whatever action this Association may care to take, I want to move that the delegation in Congress from Mississippi, when they shall be determined, be memorialized to the effect that they oppose the passage of the act as now pending.

PRESIDENT VENABLE: By unanimous consent, don't you think it would be better—take myself, for instance, I know very little about these proposed changes; I have no opinion about whether they are good, bad or indifferent. I could not vote intelligently on that motion. I make this suggestion: Had we not better appoint a committee generally, possibly to report tomorrow, suggesting subjects for our investigation. They can include this bankruptcy matter, if they want to for their recommendations, or as many recommendations as they make which are adopted, appropriate committees can be appointed to make a study, and if the Bar wants to give them the power to speak for the Association their conclusion, whenever they come to a conclusion, they can do so; but personally I do

not think we ought to take any action on any subject without a thorough investigation.

MR. CHAMBERS: That is perfectly true, if we can get any sort of opinion which might be a majority opinion before the Mississippi membership in Congress in time for them to act; but I should think it would be better, maybe, to hurry it up somewhat rather than let it go entirely by default.

PRESIDENT VENABLE: The point I was making is: If the membership of the Bar generally are as ill-informed about that matter as I am, we have no way of knowing what we want to recommend until we do give it investigation.

MR. CHAMBERS: If such a committee can be appointed from the Association, vesting authority in that committee to speak for the Association, I would say that would be an excellent idea.

MR. BOONE: I move the President appoint such a committee, to report in the morning at ten o'clock—

PRESIDENT VENABLE: You had better make it tomorrow afternoon.

MR. BOONE: Tomorrow afternoon at two o'clock, to report as suggested in the recommendations of the President on this and other pending matters relative to the Bar Association.

PRESIDENT VENABLE: Is there a second to that motion?

MR. CHAMBERS: I second the motion.

PRESIDENT VENABLE: You have heard the motion. All in favor will say AYE; all opposed NO. The AYES have it, and it is so ordered.

I will appoint Judge Griffith Chairman of that committee; and Mr. Jacobson, General Flowers, Judge Kimbrough and Mr. Tubb. You gentlemen report tomorrow at two o'clock.

Is there any further business, gentlemen, to come before this afternoon's session?

Now, the Board of Commissioners on yesterday, as our revenues are somewhat limited, and we necessarily are going to have to apportion our expenditures, appointed a Budget Committee. Senator Kyle is Chairman of that Committee. I am going to ask Senator Kyle to report to this body the results of their conferences.

SENATOR KYLE: Mr. President, and Gentlemen of the Association: The Budget Committee was appointed for the purpose of determining, as definitely as could be de-

termined, the amount of revenue that would be available to meet the expenses of the State Bar for the year, for the purpose of determining how its funds should be expended, or rather how it would be necessary that they should be expended.

The Budget Committee had a meeting this morning, at which the Secretary and Treasurer of the State Bar was present as a member of that Committee. We went over very carefully the financial matters that will affect us as an Association during the coming year. From the information that the Secretary acquainted us with, it seems there are some more than thirteen hundred members in Mississippi at this time. In undertaking to make our estimates conservative, so there would be no over-estimating of revenue, and no deficit, if possible, at the end of the year, we decided to use eleven hundred as the number who would pay the $5.00 fee provided for under the statute, making total estimated receipts for the year $5,500.00.

Now, in undertaking how it would be necessary to expend those funds, we took first the expense of maintaining the office and organization of the Association itself.

BUDGET 1932-33

MISSISSIPPI STATE BAR

Estimated receipts	$5,500.00	
Office expense		$1,500.00
Annual meeting		250.00
Commissioners' expenses		1,000.00
Bar Journal		1,000.00
Articles for Bar Journal		200.00
Other Incidentals		100.00
Salary Secretary-Treasurer		675.00
Stenographers for transcript in Marshall case		600.00
		$5,325.00

At a meeting of the Commission, held on the 30th day of May, when the organization was perfected, the Commission elected a Secretary-Treasurer, and authorized the employment of a stenographer. The bill itself provides for the Capitol Commission to furnish office space in the New Capitol. In making up our estimate of office expenditures, therefore, we had to make allowance for the salary of the stenographer, the purchase of a typewriter, the purchase of stamps and other necessary office supplies. We decided it was necessary to allot $1500.00 for that purpose.

The next item we considered was the item of expense to

be incurred in holding the annual meeting of the State Bar. After giving the matter thorough consideration, we allowed $250.00 for that purpose.

The next item was, the Commissioners' expenses. This item represented not much more than a guess. It cost, according to the Secretary's statement, $197.00 actual expenses in holding the meeting of the Commission on the 13th day of May. We thought we would have to provide for the holding of at least two meetings of the Commission during the year; there would be committees appointed by the Commission to do the work that is necessary to be done by the Bar Association, and the items of expense to be incurred in the meeting of special committees assigned to do special work as matters that should be handled by the Commission of the State Bar, we allowed $1,000.00 for the purpose of defraying those expenses.

The Convention this morning adopted the resolution calling for the allotment of $1,200.00, as I recall, to help take care of the publication of the Law Journal. The Budget Committee allotted that amount, in this way: $1,000.00 toward the publication of the Bar Journal, and $200.00 for articles for the Bar Journal, making $1200.00. I think that is the way the matter was presented here to the State Bar this morning. We have allotted for other incidental expenses $100.00. We have allotted for the Secretary-Treasurer's salary the sum of $675.00, and for stenographers for transcript in the Marshall Case $600.00. That item, I understand from the Secretary, is an item of indebtedness that has already been incurred; the amount is given in round numbers at $600.00, making a total budget of expenditures for the year of $5,325.00, as against the total receipts of $5,500.00.

You gentlemen can readily understand the Budget Committee at the beginning of another year, with the experience they have during this year, will probably be able to make a budget that will be more accurate than the one that we have made. Some of those items may be entirely too large —may represent larger allotments than will be needed to defray the actual expenses incurred for those particular items; some of them may be found to be too small, but that represents the best judgment of the Committee on Budget, after conferring with the Secretary-Treasurer—and, by the way, who has served as Secretary-Treasurer of the old Association—represents the best set-up we can give you.

Mr. President, if necessary to do so, I move the adoption of that Budget report.

MR. FLOWERS: Is that office in the Capitol allotted?

PRESIDENT VENABLE: Yes, sir. No rent.

MR. FLOWERS: Where is that office?

MR. KYLE: On the fourth floor. I haven't been up there, but I understand that.

SECRETARY JIGGITTS: In the Municipalities Committee Room, in the New Capitol. We may have to move around when the legislature meets, but we will stay there until they meet, and then we will move into another room.

MR. BUTLER: Mr. President, I have one observation that I want to make. I believe it is going to be necessary for the proper functioning of this Association that the Secretary devote practically all of his time to the affairs of the Association. Of course, this will come up in a way in considering the By-Laws which will, I suppose, be offered in the morning; but we cannot hope, in my opinion, to get a man to devote substantially all of his time to the affairs of this Association at the salary that has been suggested.

I do not know whether the By-Laws propose, or it is contemplated that the salary of the Secretary will be fixed by the By-Laws, or whether it will be left to the Commission, and I might be premature in the observations I am making; but certainly $600.00 is not a sufficient amount of money to give this Association the kind of Secretary that it ought to have after we get organized and get to functioning properly. In my opinion, the Secretary of this Association is going to have to spend a good deal of time, and should spend a good deal of time, in going around to the different Bars and getting in touch with the different members of this Association. We are going to have all kinds of complaints made as to the conduct of members and somebody has got to investigate them; and you cannot expect, in my opinion, the members, busy about their professional duties and other things, to take the time off to do that, and that, in my opinion, is going to fall upon the Secretary. I am merely making that suggestion at this time. In this proposed budget, I do not believe there is sufficient money for that purpose. It may be that is all we can do.

PRESIDENT VENABLE: I will say, my understanding is that we appointed the Budget Committee, and it is the opinion of the Budget Committee that this is all we can do at this time, because we have not the money. Possibly by another year the situation will be changed, and we will be better prepared to know what we have to do, and what we have to do it with. This is intended, more or less, as a temporary set-up, preliminary statement of our organiza-

tion. I think we are going rather blinded until we learn by experience just what we will have to do.

GENERAL FLOWERS: The one item of $600.00 in that budget will not be in another year?

PRESIDENT VENABLE: Yes, we have one item of $600.00 we will not have another year.

SENATOR KYLE: In reply to the statement made by Mr. Butler, I just want to say that the President has already expressed exactly the idea in the minds of the Budget Committee. You can all readily understand there is not but one item in that report that is fairly accurate; that is, that item of receipts. We recognize, of course, that the Secretary-Treasurer's job will be only a part time job, and that the amount allotted to pay him for his services is very small. It may be that after the Association has functioned throughout the year, or two years, other methods of supplementing the revenue of the State Bar may be found, and it may be probably the Bar would see fit to employ an efficient full-time Secretary. The revenue being limited to $5,500.00, it is impossible, of course, to provide for the employment of a full-time Secretary at the present time, in the opinion of the Budget Committee.

MR. SALTER: I noticed one item in the budget there, the expense of stenographers in the Marshall Case. I just ask for information: Is that a part of the obligation of this Association, to assume that indebtedness already incurred?

PRESIDENT VENABLE: We thought so, yes, sir. What will you do with the report of the Budget Committee?

MR. KELLY: I move the adoption of the report.

MR. GIBSON: I second the motion.

PRESIDENT VENABLE: You have heard the motion, duly seconded, that the report of the Budget Committee be adopted; all in favor of that motion will let it be known by saying AYE; all opposed NO. The AYES have it, and it is so ordered.

That completes our program for the afternoon, except I will now ask Judge Kimbrough to come to the stand and introduce his guest.

JUDGE KIMBROUGH: Mr. President and Gentlemen of the Convention: I want to introduce to you this afternoon, so that you may see him, the Editor of our Law Journal for the ensuing year, Mr. Leslie Darden, of Hernando, Mississippi, a member of the Senior Class at the Law School, who will have charge of the publication, and see that it is properly gotten out, and mailed to every law-

yer in the confines of Mississippi for the next year—Mr. Darden.

MR. DARDEN: I want to express, first, my appreciation of being invited to the floor, and to the Association for giving us this liberal sum on which to work next year. With it we hope to get out a journal that will be a credit to the Law School and to the Association, and that it will serve as a medium to build this Association into a closely knit body, and that, as I gather from the talks today, is what you want to do.

In the event the lawyers of the State come through with articles of the same quality and quantity as they have in the past, you will not have to use the much discussed $200.00. I appeal to you as writers of law articles, and I think there are a good many of you capable and willing to do that, that you send in all the articles or contributions you can, and we will try to get them in the Journal for this year. I thank you very much. (Applause.)

PRESIDENT VENABLE: We will meet tomorrow morning promptly at ten o'clock; and tomorrow afternoon's session will be promptly at two o'clock. We will now stand adjourned.

SECOND DAY

(Morning Session)

PRESIDENT VENABLE: Gentlemen, please take your seats and come to order. We are running a little late.

Before entering upon the program for the morning, I wish to appoint a special committee to serve Mr. Thompson, in any way, while he is here this morning in this convention, and also to accompany him as an escort to his train. I will appoint Hon. Barrett Jones, General George Butler, and Hon. Calvin Wells.

I understand that the Committee which was appointed yesterday for selection of subjects of study during the ensuing year has a motion or report of some sort to make, and I will recognize Judge Griffith.

JUDGE GRIFFITH: Mr. President: In the short time suggested yesterday afternoon, since the appointment of this Committee when we were adjourning yesterday afternoon, and with the banquet last night, and the early meeting this morning, it has not been possible even to call this Committee together, much less to consider any matured program, and it will be impossible, since this Bar Association is to adjourn today, and the members of the Committee want to attend the session and hear what is said, for them

to do so during the day; I, therefore, have this motion, which I now present:

I move that the Committee appointed yesterday to select subjects for study and investigation for the ensuing year be continued, with power to select the subjects which, when so selected, shall be certified to the President, who shall appoint the appropriate committees for such work, which committees shall report the results of their studies and their recommendations to the Mississippi State Bar at its next annual meeting. Now, that is as to the general subjects.

I further move that the President shall appoint a special committee to bring the proposed Judicial Council legislation to the attention of the members of the State Bar at its next annual session.

Now, then, instead of attempting to make a report, Mr. President, as we manifestly cannot do on account of lack of time, I move the adoption of this motion in lieu thereof.

PRESIDENT VENABLE: Is there a second to the motion?

JUDGE STEVENS: I second the motion.

PRESIDENT VENABLE: You have heard the motion, which has been seconded. All in favor of the motion will say AYE; all opposed NO. The AYES have it, and it is so ordered.

There is one other matter which was mentioned—I am suggesting these things for the sake of economy of time—with reference to the matter of the bankruptcy bill. It was mentioned in the discussions here yesterday. I will recognize General Butler.

MR. BUTLER: Mr. President: I think it would be impossible under the circumstances that have existed, as suggested by Judge Griffith, for the committee which was named yesterday, I believe it was, to study that question and be in a position to make an intelligent report at this meeting, if there was a committee appointed—I am not certain.

PRESIDENT VENABLE: No, there was no committee appointed, other than this general committee.

MR. BUTLER: I move you, Sir, that a special committee be appointed by the President of the Association to study the bankruptcy legislation now pending, or recently pending, before Congress, with a view of determining whether or not it is the sense of this Association that the legislation in its present form be adopted or amended, and if amended the nature and character of the amendments,

and make recommendations to the members of Congress and to the United States Senators; and that their recommendations in the matter be taken and considered as the action of this Association, or the recommendations of this Association.

PRESIDENT VENABLE: You have heard the motion; is there a second?

MR. PEYTON: May I make an amendment to that motion to this effect: That instead of purely dealing with bankruptcy matters, that this committee have authority to deal with any other such matters as may be presented to it?

I make that suggestion, or amendment, for the reason that there is other pending legislation in Congress which quite affects the Bar of this State.

PRESIDENT VENABLE: Will the gentleman accept the amendment?

MR. BUTLER: I do not want to be in the attitude of not being agreeable; but my thought was that this bankruptcy matter was a matter that was urgent, and that it ought to have prompt and immediate consideration. Of course, there are always many matters pending in Congress which affect the interests of the State of Mississippi, and the people of the State of Mississippi. Disposed, as I am, to be agreeable, I may not be, however, inclined to accept that amendment. I think it ought to be limited to the bankruptcy matter, which is an urgent matter.

MR. PEYTON: Let me say this further: What I have particularly in mind is legislation relative to World War Veteran litigation. The Federal Courts of this State are congested with something near seven hundred cases, which are directly affecting every member of the Bar of this State by the congestion in the Federal Courts; and it is only by legislation in Congress that this congestion can be relieved and that we can have prompt action in the Federal Courts; and it was principally with that particular matter that I had in mind that I made this suggestion of an amendment.

MR. BUTLER: If his amendment is limited to that, I have no objection.

MR. ELLIS: I think the motion made by Judge Griffith covers that, that it can report on anything. There is already a motion to that effect.

PRESIDENT VENABLE: It was suggested on yesterday that owing to the fact that the time was limited that the committee appointed pursuant to Judge Griffith's resolution would not have time to act and carry on investiga-

tion and make any recommendation before the matter came up in Congress; for that reason, we thought a special committee, their action to be the action of the State Bar, would be the way to handle it because of the necessities of the situation. That was only with reference to the bankruptcy matter.

The first question is on the amendment. Has that motion a second?

MR. ROBERTSON: Mr. Peyton, as I understand, is willing for his amendment to be limited to the matter of War Risk Insurance. I think that is a very timely amendment, when limited to that, and I suggest, Mr. Peyton, that you make your amendment in that shape, and I would like to second it; otherwise, I will renew the amendment in that shape; and I believe it is agreeable to Mr. Butler in that shape.

MR. PEYTON: I will make the amendment in that form.

MR. ROBERTSON: I second the amendment.

PRESIDENT VENABLE: The motion, as amended, is that a special committee be appointed to carry on studies and investigation with reference to proposed changes in the National Bankruptcy Act and also to investigate conditions with reference to Soldiers' litigation, their recommendations to be the recommendations of the State Bar without further action on our part. All in favor of that motion say AYE; all opposed NO. I cannot tell from the sound which was in the majority. All in favor of that motion will please stand. Obviously a majority; the motion is carried, and it is so ordered.

The next order on the program for the morning is the report of the Committee on By-Laws. I understand that the Chairman of that Committee, Mr. Smith, was called out of town necessarily, and that some member of the Committee will present that in his stead.

MR. McINTOSH: Mr. President, the By-Laws adopted by the Board of Commissioners for the Government of the State Bar at the meeting of the Board are as follows:

BY-LAWS ADOPTED BY THE BOARD OF COMMISSIONERS FOR THE GOVERNMENT OF THE MISSISSIPPI STATE BAR AT THE MEETING OF THE BOARD OF COMMISSIONERS, MAY 30, 1932.

I.

President

The President shall preside at all meetings of the Mississippi State Bar, and in event of his absence or inability to serve, the first vice-president and the second vice-president in the order named.

The term of office of the president shall end at the annual meeting electing his successor and at the time of such election.

II.

Secretary and Treasurer

The secretary and treasurer shall keep a record of all meetings of the Board of Commissioners, and of all other meetings of which a record shall be deemed advisable by the Board of Commissioners or the State Bar, and shall likewise keep a record of all minutes of the State Bar and of all minutes directed by it to be kept. He shall conduct all correspondence both of the Board of Commissioners and of the State Bar with the concurrence of the president.

It shall be his duty to collect and compile all data and information required by the Board of Commissioners, or any committee thereof, or by the State Bar and any committee thereof relative to any investigation, study, or other matter being by them conducted, and in conjunction with the president or any acting vice-president, or the chairman of any such committee, he shall decide the method and the best and most efficacious manner of proceeding in such matters.

He shall be exofficio member of each and every committee appointed to make legal studies and to report thereon, and he shall report to the Board of Commissioners when called upon either by it, or when directed by such committees relative to the progress of the work and as to anything needed by such committee or committees to forward the work, or to render it more effective.

He shall notify all officers of their election, or committeemen of their appointment, and he shall keep a complete and current roll of the members of the State Bar which he shall compile as required by law.

He shall issue notice of all meetings either of the Board of Commissioners or of the State Bar, and shall collect and disburse, under the direction of the Board of Commissioners, all funds collected.

He shall keep regular accounts which shall be at all times open to the inspection of members of the State Bar, and of the Board of Commissioners, to which he shall make annual report as to collection and disbursement, supporting each disbursement by voucher.

Before discharging the duties of his office the encumbent shall execute a bond with good and sufficient sureties to be approved by the president, payable to the president and his successors in office, in the sum of $3,000.00 for the use of the State Bar and conditioned that he will well and faithfully perform the duties of his office so long as he discharges any of the duties thereof. The premium on said bond, if any, shall be paid out of the funds of the State Bar.

The secretary and treasurer shall collect all dues as required by law, and give all notices required by these by-laws and the act of the legislature organizing the State Bar.

III.

Board of Commissioners

1. The Board of Commissioners shall be the executive agency of the State Bar and upon it shall rest the duty of enforcing the provisions of the act of the legislature organizing it. The terms of office of Commissioners shall end at the first meeting of the Board of Commissioners elected at the last preceding annual meeting.

It shall make such regulations, not inconsistent with law, as shall be necessary and proper for the protection of the property of the Bar, and for the preservation of good order and the conduct of its affairs. It shall keep a record of its proceedings.

It shall direct the manner and the purposes for which all funds of the

State Bar shall be disbursed, but it shall have no power to make the State Bar liable for any debts amounting to more than the amount in the treasury at any one time, not subject to prior liabilities.

2. It shall be the duty of said Board of Commissioners, subject to the approval of the Justices of the Supreme Court, to formulate rules and the enunciation of principles, which when approved by the Justices of the Supreme Court, shall be and constitute the code of ethics and guide of conduct of the members of the State Bar.

3. The Board of Commissioners shall render advisory opinions at the written request of any member of the State Bar relative to any question as to the validity or propriety of any proposed course of professional conduct.

4. As provided by law, the Board of Commissioners shall have jurisdiction of and shall take cognizance of complaints charging unprofessional and unethical conduct against any member of the State Bar relative to which the course of procedure, as far as practicable, shall be as follows:

a. The president shall appoint one member of the Board of Commissioners who shall be known as complaint commissioner to whom all complaints shall be referred or sent, and who shall acknowledge either himself, or through the secretary, the receipt of the complaint, and shall likewise demand of the complainant affidavits in proof of the facts charged.

b. The complaint commissioner, after the receipt of complaint and affidavits, as herein provided, shall, in writing, notify the member complained against, informing him fully as to the charge and the contents of the affidavits and call upon him for explanation or opposing proof, if such is desired to be submitted.

c. Upon receipt of statement of such member, the complaint commissioner shall consider the accusation made, and if he deems that the ends of justice justify, he shall report the matter fully to the members of the Board of Commissioners, either at formal session if one is to be held within 30 days, or by letter if such meeting is not to be so had and held. Upon receipt of such report each member shall consider the case and shall notify the president whether or not he thinks further action or investigation is necessary or advisable on the record thus far made. If a majority of the members of the Board of Commissioners shall decide that no further action is justified none shall be taken unless further evidence is furnished and/or a stronger case made.

In the event a majority of members of the Board of Commissioners shall deem further investigation necessary, the president shall appoint from the members of the Bar not less than two and not more than three practicing attorneys who shall be and constitute a committee clothed with all the powers conferred by Sections 31, 32 and 33 of the act of the legislature organizing the State Bar and whose duty it shall be to further investigate said charges, taking whatever proof may be necessary and giving due and reasonable notice to the member accused as to the time and place of taking the testimony and conducting the investigation as far as practicable in the county of the residence of the accused. The accused shall have the right and privilege of presenting proof and taking testimony upon giving due and reasonable notice thereof of the time and place of such action to the said committee.

The testimony taken by the said committee, both on behalf of the committee and on behalf of the accused, shall be reduced to writing and the said committee shall deliver this record, together with the written charge and affidavits to the Board of Commissioners, transmitting with the record its opinion, of the opinions of the members thereof whether or not further action should be taken.

Any opinion so rendered by the said committee shall be deemed confidential. Its context shall not be revealed to anyone other than members of the Board. Upon the coming in of the report of said committee and the said record the Board of Commissioners or the members thereof shall examine it, consider the facts and law relative thereto, and if it finds that the accused is entitled to exoneration it shall exonerate the accused either publicly or privately in writing as the accused shall desire. If, however, the Board of Commissioners or a majority thereof find that there is reasonable ground to believe that the accused has been guilty of a substantial violation of the rules of conduct promulgated by the State Bar, or otherwise guilty of conduct evincing unfitness for the practice of law, then it shall proceed as follows:

(1) If they think that a reprimand, either public or private, will correct the misconduct, meet the ends of justice, and serve the interests of the people and the State Bar, the said Board shall administer it in the manner and form that they shall see fit.

(2) If they believe that the ends of justice require the filing of court proceedings, as provided for by law, the president shall appoint two practicing lawyers to institute and conduct the said proceedings through the courts, one of which lawyers shall be a member of the Board of Commissioners. If the Board of Commissioners is of the opinion that temporary suspension will serve the ends of justice it shall so instruct the lawyers so appointed to make this recommendation to the court hearing the matter in the event of the conviction of the accused member.

d. When any petition for reinstatement is filed with the Board of Commissioners by any disbarred or suspended lawyer, as provided by law, the Board shall consider the same, and in the event a majority of the Board shall vote to grant the same, it shall be so endorsed in writing as required by law.

If the said petition shall be refused or if the disbarred or suspended lawyer shall file in court a petition for his reinstatement without first submitting his said petition for reinstatement to the said Board, the president shall appoint two lawyers to appear for the State Bar in such proceedings, one of whom shall be a member of the Board of Commissioners, who shall appear in behalf of the State Bar, conduct proceedings for it and follow the instructions of the Board of Commissioners relative thereto, if any be given.

No member of the Board of Commissioners and no member of any committee of investigation, as provided for under sub-head c, or lawyers appointed to conduct any proceedings on behalf of the State Bar, shall be appointed who lives in the same county as the accused member, but those appointed shall be selected with particular reference to their being removed from all local and personal influences, either for or against the accused member.

5. No committeeman or commissioner or other member of the State Bar shall receive any stipend or fee for any service rendered in connection with the work of the State Bar, but shall be paid actual expenses by the treasurer upon itemized statements filed with him duly certified and signed by the member submitting it.

6. Nothing in the foregoing article shall be held to limit the right and power of the Board of Commissioners to investigate on their own motion any violation of rules or conduct evincing unfitness to practice law on the part of any member of the State Bar if knowledge of such shall come to the Board of Commissioners, and it shall appear to them that there is reasonable ground

for such complaint. In such an event it shall be the duty of the Board to take cognizance of such charge and proceed as in cases where formal charges have been filed insofar as may be practicable.

IV.

Committees

1. The Board of Commissioners shall appoint a committee known as the study committee whose duty it shall be to suggest to the Bar subjects for investigation and study looking towards the improvement of the courts, the laws, and the administration of justice, and the said committee shall receive and consider suggestions relative to this from members of the State Bar. It shall be the duty of such committee to report their recommendations to the annual meeting of the State Bar.

2. The State Bar at its annual meeting, upon the consideration of the report of the study committee, shall direct the studies and/or investigations desired by it to be made. Whereupon it shall be the duty of the president to appoint a special committee for each subject chosen to make the study and investigation and to report to the Bar at its next annual meeting the results of their work and their recommendations.

In the event such committee or committees make recommendations necessitating legislation, the president shall appoint a committee, or the same committee, to make draft of the proposed law which draft with the reasons and justifications for its passage by the legislature shall be transmitted to it by the president, his successor or successors in his report to the legislature.

3. All committees shall be specially appointed for particular tasks, but this provision shall not prevent standing committees composed of members of the Board of Commissioners and proper in the work of such Board.

4. All committees other than committees of the Board of Commissioners appointed in its own work, shall be composed of members of the Bar other than members of the Board of Commissioners with the exception that on each committee a member of the Board of Commissioners shall be appointed, but such a member shall not be eligible for appointment as chairman thereof.

The member of each committee who is also a member of the Board of Commissioners shall have the duty of furnishing to the Board of Commissioners information relative to the work done, progress made, difficulties encountered and the needs of the committee for the successful prosecution and accomplishment of its task.

5. The president shall appoint all committees, shall keep informed as to work done, progress made, etc., and upon request shall give information relative thereto to the Board of Commissioners or members of the Bar.

V.

Annual Meeting of the State Bar

An annual meeting of the State Bar shall be held, at the place selected at the preceding meeting, on the first Thursday after the 31st day of August of each year.

VI.

Special Meetings of the State Bar

Special meetings, if and when requested, shall be held at the time and place designated in the call therefor, such meetings to be held upon call of the president, the Board of Commissioners concurring, or the president shall call a special meeting upon the written petition of 100 or more members of the Bar.

VII.

Annual Meeting of Board of Commissioners

An annual meeting of the Board of Commissioners shall be held at the Capitol not less than 15 days and not more than 30 days after the adjournment of the annual meeting of the State Bar, the date of such annual meeting to be fixed by the president, notice thereof being given as herein provided.

VIII.

Special Meetings of the Board of Commissioners

Special meetings of the Board of Commissioners may be called by the president upon giving notice of the time and place, or upon the request in writing of the majority of the members of said Board. It shall be the duty of the president to call a special meeting for the time and place named in the request, but nothing herein shall prevent the said Board from the transaction of business by correspondence without the necessity of actual assembly.

IX.

Notice of Special Meetings

Twenty days notice of special meetings of the State Bar shall be given by publication in a newspaper of general circulation, by notice in the Law Journal, if practicable, and by mailing a postcard to each member, giving the time and place of such meeting.

Notice of special meetings of the Board shall be given by mailing notice of the time and place of such meeting for a reasonable time prior thereto, not less than seven days if practicable.

X.

Law Journal

If it can be reasonably done the Board shall appropriate out of the funds coming into its hands each year, a sum or sums in such amount as may be necessary in aid of the publication of the Mississippi Law Journal, which shall bo sent, if possible and practicable, to each member of the State Bar without expense additional to annual dues, provided that such Journal shall without charge to the State Bar, print all notices, reports of committees, and such other items directed by the president or Board of Commissioners to be published therein.

XI.

Order of Business

The president shall each year select some person to deliver an address before the State Bar at its annual meeting and shall select not exceeding three members to read papers.

At each annual or adjourned meeting the order of business shall be as follows:

1. Reading the minutes of the preceding meeting.
2. Address of the president.
3. Report of Board of Commissioners to be read by the secretary.
4. Report of committees as called by the president.
5. Miscellaneous business.
6. Election of delegates to the American Bar Association.
7. Election of officers which shall be held on the morning of the second day of the session.

The order of business may be changed by a vote of a majority of members present and voting.

No person in discussions shall occupy more than ten minutes at a time, and shall not be heard more than twice on the same subject.

Except as provided for herein parliamentary rules as contained in Roberts Rules of Order shall govern all meetings of the State Bar.

MR. McINTOSH: Mr. President and Gentlemen of the Bar: On behalf of the President of this Committee, Mr. Smith, who had to go away, I have presented these By-Laws. I now move the adoption of those By-Laws.

MR. BUTLER: Mr. President: They ought to be taken up by sections. There are several things that occur to me in reading over them that may be covered, but I just do not know.

MR. JONES: Mr. President: A point of information. I did not hear read in these By-Laws any provision for the election of the Commissioners. I don't know about this, but I understand the Commissioners should be elected by the members of the Bar of the various districts.

PRESIDENT VENABLE: That is set forth in the act.

MR. JONES: I didn't hear that read.

PRESIDENT VENABLE: That is not in the By-Laws. I presume the Committee thought it was unnecessary, since the Act itself prescribes not only for the election, but also the procedure.

MR. JONES: But there has been no announcement of the various districts for the election of Commissioners.

PRESIDENT VENABLE: Well, there is no election this year.

MR. JONES: But their terms do not coincide, and the terms of these Commissioners expire before the next meeting of the Association.

PRESIDENT VENABLE: Well, it is my judgment that under the Act they shall hold for a year. I do not think that that means a calendar year; I think that means the year of the Association; otherwise, the other provisions cannot stand. You would have to give it that construction for the reason we mentioned; otherwise you would have a space of time in there in which you would have no Commissioners; and obviously the legislature intended for the first Commissioners to hold until their successors were selected.

MR. JONES: I don't know about that, Mr. President.

PRESIDENT VENABLE: That is my construction of the Act itself.

MR. JONES: For information now, because as I read

the Act myself, very hurriedly, this is the time to elect the new Board of Commissioners.

PRESIDENT VENABLE: No; the Act prescribes that the Board of Commissioners appointed by the several circuit judges in their districts shall hold for a year.

MR. JONES: And the year will expire before the next meeting of the Association.

SECRETARY JIGGITTS: I think this will cover that. I will read the whole section. It is in two sections.

> "Sec. 4. Within thirty (30) days after this act shall become effective each circuit judge, from the lawyers resident in his district, shall appoint one who is in good standing as a member of the Board and shall certify his appointment to the secretary of state. The persons thus appointed shall constitute the first Board of Commissioners and each shall hold office for one year from the date of the organization meeting povided for in the next succeeding section hereof and until his successor is elected in the manner hereinafter provided."

The "manner hereinafter provided" is to elect them at the first annual meeting after this.

MR. JONES: This is a first annual meeting, and before the next annual meeting a year will have expired.

SECRETARY JIGGITTS: They hold for a year, and "until their successors are elected," as provided for hereinafter.

PRESIDENT VENABLE: The present Board of Commissioners will hold until their successors shall be elected.

MR. JONES: When will they be elected?

PRESIDENT VENABLE: It says "in the manner hereinafter provided." They will be elected at the next annual meeting. You have a further provision that the term of the Commissioners and the term of the President will not expire at the same time, so it follows, evidently, that the By-Laws will have to fix it to accomplish that end; so, the By-Laws provide they shall hold until the other Commissioners organize; and that is at their next meeting.

MR. JONES: When will they be appointed again, at the meeting one year from now?

PRESIDENT VENABLE: One year from now, yes, sir; at the next annual meeting. Of course, the set-up of the act of the legislature had to provide for a temporary organization; and at the next annual meeting the members of the State Bar will select themselves their full quota of officers, both the Commissioners and the President. The present Commissioners were appointed by the Circuit

Judges in order to provide a temporary organization to get started.

MR. YEAGER: Mr. President: A point of information: What proviso, if any, has been made for the convening of the Board of Commissioners, or any subordinate committees, in the interim between the annual meetings of the State Bar?

PRESIDENT VENABLE: The By-Laws provide for call upon notice; but the Board of Commissioners, as a matter of fact, are continuously in session, and carry on all work possible by correspondence, in order to save expense. We have been voting by letter, and have matters submitted by letter through the Secretary, and all business has been transacted by letter whenever practicable.

MR. YEAGER: Another point: I notice the By-Laws provide for the giving of notice with reference to certain matters to be published, and so forth, and so on; but upon failure to give that notice as outlined in the By-Laws, would that in any wise affect the validity of the acts or business transacted at that particular meeting?

PRESIDENT VENABLE: Well, of course, that is a legal question. I do not know how that could arise. I assume that notice will be given always; if not, of course, you might have some legal question in a disbarment or reinstatement proceeding, or something of that sort; but that would involve a legal question which we cannot put in the By-Laws. All we can prescribe is that they shall receive notice.

MR. CAMERON: Just for a point of information, if you please. If we are to discuss this motion for the passage or rejection of the report of this Committee in its entirety, then I would like to ask just this one question with reference to that provision in the By-Laws that has to do with the lodging of complaints against respective members of the Association or Bar. If I caught the reading of the By-Laws, that provision applicable thereto, it leaves a very large amount of discretion, if I understand, with one Commissioner, who is charged with the duty of receiving that complaint. Did I catch that correctly?

PRESIDENT VENABLE: Yes, sir.

MR. CAMERON: Mr. President, it occurs to me that it would be unwise to shoulder the enormous responsibility of either the acceptance or rejection of any one or more complaints against any one or more members of this Association with that one Commissioner, unless that is fixed by the Act itself.

PRESIDENT VENABLE: It is not fixed by the Act. Let me say, if I have your permission—we are proceeding in an informal way—I have served on the Grievance Committee of the Old Bar Association. Because I was an officer of the Association, people in the other states, not knowing who constituted the Grievance Committee, or complaint commissioner, would write me. Anyone who has had that experience knows there is a vast mass of complaints that are made that do not involve any moral turpitude, or wrong-doing, or anything of that sort.

There are, unfortunately, a good many agencies, some commercial agencies, and sometimes individuals, who will write letters and file complaints because the lawyer has not answered his correspondence, or because he has not reported as promptly as they thought he should, or because he has not written as frequently. They do not charge any facts constituting any wrong-doing, or evidencing any moral turpitude. Now, if that Board of Commissioners was under the obligation to personally handle and inspect all of those things, it would be exceedingly burdensome; and no doubt the idea of the provision was to have one complaint commissioner who would pass primarily on the question of whether or not there was enough in the charges made to warrant going any further with it. For instance, I have mailed back numerous letters of the type I mentioned, and stated that, you charge no facts showing any moral wrong-doing; in fact, you are asking us to start an independent investigation to see whether something is wrong; we have nothing concrete before us; if you want to make a specific charge, please investigate your own facts and file your own affidavit, and when you bring something concrete that is worthy to be stood upon as against a lawyer of Mississippi, we will take the matter up; until that time we are not going to proceed on any presumption; if any lawyer of the State of Mississippi has been guilty of any conduct evidencing moral turpitude or unfitness to practice law. Now, we have to have a buffer. Mr. Cameron, practically to sift out the wheat from the chaff, and someone whose business it is to write to these people and tell them what course of procedure to follow. If they have ground for complaint, that could be committed to a committee of one man or a committee of several men; but in order to save expense, the idea of the Committee was—I was on the Committee that helped draw the By-Laws for the Board of Commissioners—the thought was we would select one Commissioner who would have that in charge, and that was practically the reason for that set-up.

MR. CAMERON: It just occurred to me, listening to that particular portion of the By-Laws, that it is quite possible that some complaint might be lodged against some member of our Association, or our Bar, that involved moral turpitude, and it might throughout the years to come, if we set this precedent, bind this Association to the individual opinion of that Commissioner as to whether that matter should be referred to the entire Commission or not.

PRESIDENT VENABLE: I don't think it would be res adjudicata, Mr. Cameron.

MR. CAMERON: It seems to me that question should be submitted to the entire Commission, or to, say, at least three members of that Commission.

PRESIDENT VENABLE: Suppose I was complaint Commissioner, and someone would file with me a complaint, we will assume, as a matter of fact, was worthy of investigation or of being called to the attention of the entire Commission—in other words, it would be a case where there was a real charge of wrong-doing; suppose, for some reason, I wouldn't bring that to the attention of the other Commissioners, or would ignore it, the chances are that it would be called to the attention of the other members of the Committee, and they would make some inquiry as to why that matter—why something hadn't been done with it. As a matter of fact, I have already received about a half dozen letters from collecting agencies wanting to know why the present complaint Commissioner didn't say why Joe Doe didn't answer his letters.

MR. BROWN: I assume these By-Laws may be corrected from time to time? Am I correct in that?

PRESIDENT VENABLE: Yes, sir.

MR. BROWN: I assume, also, that our President and the Committee appointed by him to draft these By-Laws have done so as carefully as possible, having in mind the statutes under which they were working and the welfare of the Association; and, therefore, in order to speed this thing up and get somewhere with it, feeling that we can well afford to try out these By-Laws another year, or until we have an opportunity to amend them, I want to second the motion to adopt the By-Laws as read. And I want to say right there that I do that for the reason that the By-Laws may be amended, if we find they should be amended in some respect. We can well afford to try them out as written.

PRESIDENT VENABLE: Permit me to say this, with your permission—as I say, we are proceeding inform-

ally—of course, this body has the right to adopt any By-Laws at any time that it may see fit; any By-Laws that experience shows to be necessary or proper; or any change that experience shows may be proper. In fact, experience may reveal that several of these things we have here can be improved upon, or changed.

I would like to say this with respect to the By-Laws as a whole, with the Chairman's permission, because I happened to have something to do with the original draft, if Mr. McIntosh will give me permission to make the statement.

MR. McINTOSH: Yes, sir.

PRESIDENT VENABLE: The principal idea in drawing the By-Laws was to get such an organization as would insure that the Mississippi State Bar would be a working body. Now, this has been my experience with lawyers, and what I say about others is equally applicable to myself—lawyers are busy people; they have sold their time, and their talents, and their ability to their clients; they are interested and busy about their specific tasks; they are public spirited and will render a service; but they haven't the time to take the initiative to think up things to be done. You can ask almost any committee of lawyers, from my experience in the past fourteen months, to meet you at a certain time and place and to do a certain service, and they are all able to get there, and they will all render what service they can. But we need somebody to do the planning for us; we haven't the time to do it ourselves; we need someone to create and design the concrete tasks, and someone to select the personnel for their performance.

So, the By-Laws are drawn with this idea: That we will not have any standing committees. Most standing committees stand. We will have special committees who will deal with concrete assignments; we will have committees where some member of the Board of Commissioners will be a member of each committee; the Secretary is a member of each committee; and the idea is that the responsibility for supplying the energy which keeps the wheels turning will head up in the President, the Board of Commissioners and the Secretary. Now, having a member of the Board of Commissioners on each and the Secretary exofficio, the President and the Board of Commissioners can at all times find out just what each committee is doing; what progress they are making; and what the committee needs in way of funds.

Suppose you had a committee to study the question of practice? That committee would want to know how the thing is done in other jurisdictions; what the experience of other peoples have been under similar conditions. There would be a vast amount of data to get up for the use of that committee which would have to be studied and analyzed in order that they might draw their deductions as to what would be wise and best for us in Mississippi. By this set-up, the President and Board of Commissioners can have their fingers, you might say, at all times on the key-board and have ready source of information as to what is being done; if there is a hitch, why there is a hitch; if there is a delay, why there is a delay; what a committee is doing; what progress it is making; what does it need. Because, gentlemen, if all we have created by this Act is a glorified social organization, we have not accomplished much, however pleasant and however valuable that of itself may be.

We have organized, frankly, and the broad purpose being, for the lawyers to take over the operation of the judicial department of government of the State of Mississippi, with full responsibility before the people therefor; the task is enormous and the responsibility is great. We dare not fail, because if we do we will largely forfeit not only our own respect, but the respect of the people.

It must be a working organization; it must be taken seriously; and the idea of the whole set-up is to head everything up so as to have assigned tasks, specific responsibilities—to use a slang phrase "no buck-passing." Now, that is the broad purpose and outline of the By-Laws.

MR. BUTLER: I would like to make one or two observations. Of course, I have not had a chance to study these By-Laws; but in listening to the reading of them and glancing over them hurriedly I find two or three things that ought to be certainly corrected.

The first is: You have no provision at all providing for the term of office of the first Vice President or second Vice President that I can find. Certainly, that ought to be fixed.

PRESIDENT VENABLE: There is nothing in the By-Laws; it is contained in the Act, that the officers hold for a year.

MR. BUTLER: But when does the term begin?

PRESIDENT VENABLE: They begin when they are elected.

MR. BUTLER: Well, you fix the President's term, but

you don't fix the Vice Presidents' terms. It is not fixed in the Act.

PRESIDENT VENABLE: I do not think it is necessary to fix the President's term, except for the fact that it is provided in the Act. Those By-Laws were drawn under the provision that the Board of Commissioners should adopt some temporary By-Laws governing the State Bar until its first annual meeting.

MR. BUTLER: I understand, we are now here adopting them.

PRESIDENT VENABLE: Here are the provisions of the Act:

> "The President and Vice President elected by the Board at such organization meeting shall hold office until the first meeting of the Association and until their successors are duly elected."

MR. BUTLER: Yes, sir. All right then, when you elect a Vice President today, how long does he hold?

PRESIDENT VENABLE: He holds until his successor is elected, the Act provides that.

MR. BUTLER: The Act does not provide that, Mr. President—I beg your pardon. Anyhow, that is my construction.

Now, then, the next thing that I want to call your attention to, that I think is an error—I have not analyzed that Act thoroughly, but I have read it several times—the Act contemplates that the term of Commissioners and the term of the President shall not begin and end at the same time; that is clearly stated in the Act. Now, in these By-Laws we provide that the term of the President shall begin when his successor is elected. Presumably, he will be elected at the next annual meeting. But the Act provides that the term of Commissioners shall hold for one year and until their successors are elected; and the Act requires the successors of the present Commissioners to be elected at the next meeting, as I interpret the Act, and the By-Laws provide that those old Commissioners hold over until the new Commissioners elected at the next meeting meet, which shall not be less than fifteen days nor more than thirty days, and a possible period of thirty days we will not have any Commissioners, as I construe the Act.

PRESIDENT VENABLE: The Act is obscure. The method adopted is the only one that I know of that you can work out so as to prevent a space of time in which you have no Commissioners and no governing body.

MR. BUTLER: The next matter I want to call your attention to, and I think ought to be provided for—it can

be easily done—is with reference to the time of the annual meeting—I mean the place of the annual meeting. The By-Laws provide that the place of the annual meeting—that the annual meeting shall be held at the place selected at the preceding meeting on a certain day of each year. It has frequently happened that for various and sundry reasons the place we have selected for our annual meeting would not accommodate us, or something, and we had to go somewhere else; and certainly the Board of Commissioners ought to have some control in event the Association finds it impossible to hold the meeting at the place stated, that they could have an annual meeting, because we have to have these elections of officers at the annual meeting and not at special meetings.

Now, there is another thing that, personally, I am opposed to—I may be entirely wrong about it—I believe this Association ought to be a working association, but I believe this Association ought to be a democratic association; and I think that was one of the fundamental purposes of the organization. In the past it has not been a democratic organization, in the minds of the lawyers of the State of Mississippi, at least, and that is the reason why we had to, or thought it wise to, broaden the scope of it and make every lawyer in the State a member of the Association.

Now, these By-Laws provide that the Commissioners shall fix the purposes for which the money of the members shall be expended, and yet we have voted here yesterday the purposes for which the money shall be expended. I think the money ought to be expended under the jurisdiction of this body, and not under the jurisdiction of the Board of Commissioners of the body. I might be wrong about that.

Another observation I want to make, and that is an amendment to the By-Laws. There is no method prescribed by which the By-Laws may be amended. It may be entirely possible under the usual parliamentary rules at the next annual meeting to come in and amend these By-Laws in many vital and material respects, and the members out of the State, not anticipating such a movement would not be on hand. I think there ought to be a clause put in there saying it may be amended at any annual or special meeting called for that purpose upon the members being notified in advance of the proposed change.

I think the general scope of the By-Laws is all right; but these are some of the things I simply wanted to point

out to you that occurred to me, so that you gentlemen might know what you are voting on.

MR. R. L. DENT: I move the previous question.

MR. BROWN: I second the motion.

PRESIDENT VENABLE: The previous question has been moved.

MR. McINTOSH: There is one little amendment to make to conform to the Act that I want to suggest.

PRESIDENT VENABLE: What is that?

MR. McINTOSH: In this clause here, Section 2, it says:

> "It shall be the duty of said Board of Commissioners, subject to the approval of the Supreme Court, to formulate rules and the enunciation of principles, which when approved by the Supreme Court shall be and constituted the Code of Ethics."

It has been called to my attention that the Act provides, not the Supreme Court, but by the justices of the Supreme Court. In other words, this would contemplate an order on the minutes, whereas the Act contemplates the justices as individuals, I take it.

PRESIDENT VENABLE: If there is no objection, by unanimous consent we will change the verbiage to conform to the language of the Act.

GENERAL FLOWERS: Mr. Chairman, before we get to a vote—I think it is all right, as suggested by somebody, that we adopt these By-Laws, and they can be amended at any time. I do not agree with my friend, George Butler, that the By-Laws ought to provide how they shall be amended; I do not think any legislative body has the say in advance how it will proceed to amend its own enactments. But there is one thing that I am not clear on, and I don't know whether everybody else, or anybody else, has found any, or the same, obscurity I would like to call attention to; I don't know whether it would be disposed of by these By-Laws or not, but I would like to ask Mr. Jiggitts, first, when was the date of the organization meeting?

SECRETARY JIGGITTS: May 30th.

GENERAL FLOWERS: Of this year?

SECRETARY JIGGITTS: Yes, sir. That is the date the Commissioners met.

GENERAL FLOWERS: I think the Act contemplates that the Board of Commissioners elected at the organization meeting, which was May 30th of this year, shall hold for one year from that date, and that their successors be elected at the first annual meeting of the organization, which is now.

As I understand, it is required at this meeting, this present meeting, a new Board of Commissioners will be elected, and that Board of Commissioners, however, will not go into office until one year from the date of the organization meeting. It is contemplated that the term of the President and the term of the Commissioners shall not be coincident. That was, as I understand it, advisedly written into the Act; but I think it is contemplated that this Board of Commissioners elected at the organization meeting holds only one year from the date of their election, and that at this time their successors should be elected, and they, however, do not go into office until one year from the date of the organization meeting. I think some confusion has arisen out of taking this as the organization meeting referred to in the Act. This is not the organization meeting; that has already been held. This is the first annual meeting, and at this meeting I think the Act contemplates that the lawyers from the several districts will elect from each district that district's representative. However, he doesn't go into office until the expiration of the term of those who are now in office, which is one year from the date of their election at the organization meeting—not their election, but they hold more than a year, they hold by virtue of their appointment by the circuit judges; but they hold one year from the date of the organization meeting.

PRESIDENT VENABLE: As I said before, gentlemen, we are proceeding informally, and we want to allow full discussion. I think that presents a question as construed by those of us who had to do with the drafting of the preliminary By-Laws—I am frank to say we construed the Act as not requiring or not permitting the election of the Commissioners until a year from this meeting.

The motion is on the previous question; all in favor of voting on the previous question will say AYE; all opposed NO. The AYES have it and it is so ordered.

The question recurs on the original motion to adopt the By-Laws. All in favor of the adoption of the By-Laws as submitted will say AYE; all opposed NO. The AYES have it, and the By-Laws are adopted.

MR. HOLMES: Mr. President, I move you now that we elect our Commissioners from the several judicial districts of the State.

MR. PILGRIM: I second the motion.

PRESIDENT VENABLE: You have heard the motion and second that at this meeting the Commissioners from the several judicial districts be elected.

SECRETARY JIGGITTS: Just a minute, Mr. President: This Act requires—the reason I am bringing this point up is because, as Mr. Butler says, we want this to be democratic, and we want every member to take part in it. When this bill was drafted, they drafted it so that the members who were not able to attend would have a voice in the governing board of the Bar Association. That was one of the things they wanted to do, so that a man who lived away and could not come here, would have a right to vote on the Commissioners who were to constitute the Board. Now, they had thought that possibly in time the districts would get together before they came down and elect their Commissioner, so that every lawyer in the State would have a voice in it. Now the Act requires the Secretary to send out a ballot on the election of the Commissioners—to send out a ballot, so that every lawyer in the State can send in his ballot to the Secretary and vote on that Commissioner. If we elect the Commissioners for one year from next May, it is only about two or three months in there that would elapse; now, if we do that we are depriving our fellow members who are not here of a chance to have a voice in the election of the Commissioners. I will read this section, so you will understand what I am talking about.

GENERAL FLOWERS: You mean those ballots were not sent out?

SECRETARY JIGGITTS: No, they were not sent out, because the construction put on it by the Board of Commissioners was that they were not to be elected at this time; so, the ballots were not sent out. I do not think it would be fair to them not to give them a voice in the election of the Commissioners. I will read this section of the law:

> "Section 21. At the annual meeting of the State Bar the members from each district shall separately assemble and elect the members for their district for the ensuing term. Members of the Association not attending the meeting may at any time prior thereto send to the secretary of the association his vote in substantially the following form:"

And then it sets out the form of the ballot. As you know, this law has not been distributed everywhere, and all of our lawyers do not know the Act. I have three here from one place, that they sent in from up at Greenwood. That is all they have sent. They do not know the Act. The Act further reads:

> "All such ballots so received by the secretary shall, prior to the time for the election of members of the Board, be delivered to the persons designated by the president to receive such ballots and present them to the members from

the respective districts at the time they assemble to make a selection. Such ballots shall be sent in a sealed envelope and delivered, sealed, by the secretary. The number of the district shall be indicated on the outside of the envelope. Such ballots shall be considered and counted just as if each of the voters were present in person and voting. The result of the election in each instance shall be publicly reported by the chairman of the meeting held by the members from each district. The members of each district may themselves determine whether the voting of those present shall be by ballot or otherwise, but in any event the ballots of absent members shall be counted, and this too, whether the persons for whom the ballots are cast has been nominated or not. And if there are several ballots or votings the ballots of absent members shall continue to be cast as long as the persons they support are still in the contest."

The purpose of putting that in there, as I told the lawyers all over the State that I met—it is a question of good faith with me personally—that every member of the State Bar would have a voice in the selection of his Commissioners, whether he was able because of finances or business to not come here, he would have a chance to vote on his Commissioners; and I hope sooner or later, when we get organized that the districts could elect their folks before they get here. If we do this, we have four hundred here of thirteen hundred members of the Bar, and we are getting back to the old system of four hundred members electing Commissioners for the thirteen hundred members. I do not think that was contemplated in the Act. I thought I would call that to your attention. If they do go over they would hold until September, and everybody would have a chance to vote.

PRESIDENT VENABLE: I want to say the question of whether the Commissioners will be elected at this meeting or at the next meeting is not dealt with specifically in the Bar Act at all. When they shall be elected would be a matter of inference from the various provisions. As we construed it, since the Commissioners appointed by the circuit judges were to hold for a year, or until their successors were elected, we reached the conclusion that it was intended that the first elective board of Commissioners should be next year, particularly in view of the fact that you were to fix the time of your annual meeting, and could make it earlier or later, as you saw fit in your By-Laws; the word "year" meant necessarily not a calendar year, but until such time as you should have your annual meeting in the next succeeding year, and elect your officers. In other

words, they might fix the annual meeting for the spring, in February or March, in which event the present Commissioners would go out of office, though it were less than a calendar year. The only reason this situation has arisen, it was thought best to set the annual meeting at about this time which, according to the court calendars, seems to be the best time to hold it. The question is not dealt with specifically in the Act.

Now, gentlemen, is there any further discussion? I think this body has the power to construe the Act with reference to the selection of their officers.

MR. MANSHIP: Mr. President, I think this: That there would only be a vacancy of about three months. Now, that Act provides the old Commissioners shall hold over until the others are elected. We have not given the matter any thought as to who shall be the next Commissioners; and if we elect them now they will have nothing to do until away next May. I think that provision in there that all of the members of the Bar shall be given notice—I believe it will do more to strengthen the Bar Association than anything else. Now, if we jump in here and elect some Commissioners who will have nothing to do, who will not go into office until next May, I believe we will be making a mistake. Let it stand like it is, and before the next meeting the Secretary send out the notices to all, and they will have a chance to think over it, and know who they want, and then elect at that time Commissioners who will go immediately into office, rather than now elect men who will not go into office for a year. I move to table the motion to go into an election now.

MR. HOLMES: At the time I made this motion I had overlooked the notice that Mr. Jiggitts referred to, and that notice was to be given to the members of the Bar throughout the State; that provision in the law had escaped me. Since it has been called to my attention, I ask the privilege, with permission of my second, to withdraw the motion. (Applause.)

PRESIDENT VENABLE: The motion is withdrawn, and the next order on the program is the report of the Committee on Rules and Ethics.

JUDGE PRICE: Mr. Jiggitts will present that report for the Committee. He has conferred with the Supreme Court Judges on that, and he is familiar with the various changes that were thought proper to be made.

SECRETARY JIGGITTS: Mr. President, I will read this for Judge Price, who is Chairman of the Committee.

As I understand it, if we adopt these canons of ethics they must be approved after adoption by the Justices of the Supreme Court. Is that correct?

PRESIDENT VENABLE: Yes, sir.

SECRETARY JIGGITTS: I will read them.

RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF MISSISSIPPI

Final Draft

These rules shall be cited or referred to as "Rules of Professional Conduct of the State Bar of Mississippi."

The enumeration of particular duties should not be construed as a denial of the existence of others equally imperative, though not specifically mentioned.

1.—The Duty of the Lawyers to the Courts:

It is the duty of the lawyer to maintain towards the Courts a respectful attitude, not for the sake of the temporary incumbent of the judicial office but for the maintenance of its supreme importance. Judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust criticism and clamor. Whenever there is proper ground for serious complaint of a judicial officer, it is the right and duty of the lawyer to submit his grievances to the proper authorities. In such cases, but not otherwise, such charges should be encouraged and the person making them should be protected.

All pleadings, papers and briefs filed by attorneys should be deferential to the Court and opposing counsel. The Court's dealings with litigants, court officers and lawyers should likewise be in keeping with a wise and helpful decorum commensurate with the occasion.

2.—The Selection of Judges:

It is the duty of the Bar to protest earnestly and actively against the appointment or election of those who are unsuitable for the Bench; and it should strive to have elevated thereto only those who are willing to forego other employments, whether of a business, political or other character, which may embarrass their free and fair consideration of questions before them for decision. The aspiration of lawyers for judicial position should be governed by an impartial estimate of their ability to add honor to the office, and not by a desire for the distinction the position may bring to themselves.

3.—Attempts to Exert Personal Influence on the Court:

Marked attention and unusual hospitality on the part of a lawyer to a judge, uncalled for by the personal relations of the parties, subject both the judge and the lawyer to misconstructions of motive and should be avoided. A lawyer should not communicate or argue privately with the judge as to the merits of a pending cause, and he deserves rebuke and denunciation for any device or attempt to gain from a judge a special personal consideration or favor. A self-respecting independence in the discharge of professional duty, without denial or diminution of the courtesy and respect due to the judge's station, is the only proper foundation for cordial, personal and official relations between Bench and Bar.

4.—When Counsel for an Indigent Prisoner:

A lawyer assigned as counsel for an indigent prisoner ought not to ask to be excused for any trivial reason, and should always exert his best efforts in his behalf.

5.—The Defense or Prosecution of Those Accused of Crime:

It is the right of the lawyer to undertake the defense of a person accused of crime, regardless of his personal opinion as to the guilt of the accused; otherwise innocent persons, victims only of suspicious circumstances, might be denied proper defense. Having undertaken such defense, the lawyer is bound by all fair and honorable means, to present every defense that the law of the land permits, to the end that no person may be deprived of life or liberty, but by due process of law.

The primary duty of a lawyer engaged in public prosecution is not to convict, but to see that justice is done. The suppression of facts or the secreting of witnesses capable of establishing the innocence of the accused is highly reprehensible.

6.—Adverse Influences and Conflicting Interests:

It is the duty of a lawyer at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connected with the controversy, which might influence the client in the selection of counsel.

It is unprofessional to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this canon, a lawyer represents conflicting interests when in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose. A lawyer should never represent conflicting interests, save when peculiar circumstances make it imperative.

The obligation to represent the client with undivided fidelity and not divulge his secrets or confidences forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed.

7.—Professional Colleagues and Conflicts of Opinion:

A client's proffer of assistance of additional counsel should not be regarded as evidence of want of confidence, but the matter should be left to the determination of the client. A lawyer should decline association as colleague if it is objectionable to the original counsel, but if the lawyer first retained is relieved, another may come into the case.

When lawyers jointly associated in a cause cannot agree as to any matter vital to the interest of the client, the conflict of opinion should be frankly stated to him for his final determination. His decision should be accepted unless the nature of the difference makes it impracticable for the lawyer whose judgment has been overruled to co-operate effectively. In this event it is his duty to ask the client to relieve him.

Efforts, direct or indirect, in any way to encroach upon the business of another lawyer, are unworthy of those who should be brethren at the Bar; but, nevertheless, it is the right and duty of any lawyer, without fear or favor, to give proper advice to those seeking relief against unfaithful or neglectful counsel, generally after communication with the lawyer of whom the complaint is made.

8.—Advising Upon Merits of a Client's Cause:

A lawyer should endeavor to obtain full knowledge of his client's cause before advising thereon, and he is bound to give a candid opinion of the merits and probable result of pending or contemplated litigation. The miscarriages to which justice is subject, by reason of surprises and disappointments in evidence and witnesses, and through mistakes of juries and errors of Courts, even though only occasional, admonish lawyers to beware of bold and confident assurances to clients, especially where the employment may depend upon such assurance. Whenever the controversy will admit of fair adjustment the client

should be advised to avoid or to end litigation.

9.—Negotiations With Opposite Party:

A lawyer should not in any way communicate upon the subject of controversy with a party represented by counsel; he should never undertake to negotiate or compromise the matter with him but should deal only with his counsel. It is incumbent upon the lawyer most particularly to avoid everything that may tend to mislead a party not represented by counsel, and he should not undertake to advise him as to the law.

10.—Acquiring Interest in Litigation:

The lawyer should not purchase any interest in the subject matter of the litigation which he is conducting; provided, however, that he may take security for his fees thereon in good faith.

11.—Dealing With Trust Property:

Money of the client or other trust property coming into the possession of the lawyer should be reported promptly, and, except with the client's knowledge and consent, should not be commingled with his private property or be used by him.

12.—Fixing the Amount of the Fee:

In fixing fees, lawyers should avoid charges which over-estimate their advice and services, as well as those which under-value them. A client's ability to pay cannot justify a charge in excess of the value of the service, though his poverty may require a less charge, or even none at all. The reasonable requests of brother lawyers, and their widows and orphans without ample means, should receive special and kindly consideration.

In determining the amount of the fee, it is proper to consider: (1) the time and labor required, the novelty and difficulty of the questions involved and the skill requisite properly to conduct the cause; (2) whether the acceptance of employment in the particular case will preclude the lawyer's appearance for others in cases likely to arise out of the transaction, and in which there is a reasonable expectation that otherwise he would be employed in the particular case or antagonisms with other clients; (3) the customary charges of the Bar for similar services; (4) the amount involved in the controversy and the benefits resulting to the client from the services; (5) the contingency or the certainty of the compensation; and (6) the character of the employment, whether casual or for an established and constant client.

No one of these considerations in itself is controlling. They are mere guides in ascertaining the real value of the service.

In fixing fees it should never be forgotten that the profession is a branch of the administration of justice and not a mere money-getting trade.

13.—Contingent Fees:

Contingent fees, being sanctioned by law, are recognized as proper.

14.—Suing a Client for a Fee:

Controversies with clients concerning compensation are to be avoided by the lawyer so far as shall be compatible with his self-respect and with his right to receive reasonable recompense for his services; and, lawsuits with clients should be resorted to only to prevent injustice, imposition or fraud.

15.—How Far a Lawyer May Go In Support of a Client's Cause:

Nothing operates more certainly to create or to foster popular prejudice against lawyers as a class, and to deprive the profession of that full measure of public esteem and confidence which belongs to the proper discharge of its duties than does the false claim, often set up by the unscrupulous in defense

of questionable transactions, that it is the duty of the lawyer to do whatever may enable him to succeed in winning his client's cause.

The lawyer owes "Entire devotion to the interest of the client, warm zeal in the maintenance and defense of his rights and to the exertion of his utmost learning and ability," to the end that nothing be taken or be withheld from him, save by the rules of law, legally applied. No fear of judicial disfavor or public unpopularity should restrain him from the full discharge of his duty.

In the judicial forum the client is entitled to the benefit of any and every remedy and defense that is authorized by the law of the land, and he may expect his lawyer to assert every such remedy or defense. But it is steadfastly to be borne in mind that the great trust of the lawyer is to be performed within and not without the bounds of the law. The office of attorney does not permit, much less does it demand of him for any client, violation of law or any manner of fraud or chicane. He must obey his own conscience and not that of his client.

16.—Restraining Clients From Improprieties:

A lawyer should use his best efforts to restrain and to prevent his clients from doing those things which the lawyer himself ought not to do, particularly with reference to their conduct towards Courts, judicial officers, jurors, witnesses and suitors. If a client persists in such wrong-doing the lawyer should terminate their relation.

17.—Ill-Feeling and Personalities Between Advocates:

Clients, not lawyers, are the litigants. Whatever may be the ill-feeling existing between clients it should not be allowed to influence counsel in their conduct and demeanor toward each other or toward suitors in the case. All personalities between counsel should be scrupulously avoided. In the trial of a cause it is indecent to allude to the personal history or the personal peculiarities and idiosyncrasies of counsel on the other side. Personal colloquies between counsel which cause delay and promote unseemly wrangling should also be carefully avoided.

18.—Treatment of Witnesses and Litigants:

A lawyer should always treat adverse witnesses and suitors with fairness and due consideration, and he should never minister to the malevolence or prejudices of a client in the trial or conduct of a cause. The client cannot be made the keeper of the lawyer's conscience in professional matters. He has no right to demand that his counsel shall abuse the opposite party or indulge in offensive personalities. Improper speech is not excusable on the ground that it is what the client would say if speaking in his own behalf.

19.—Appearance of Lawyer as Witness for His Client:

When a lawyer is a witness for his client, except as to merely formal matters, such as the attestation or custody of an instrument and the like, he should leave the trial of the case to other counsel. Except when essential to the ends of justice, a lawyer should avoid testifying in court in behalf of his client.

20.—Newspaper Discussion of Pending Litigation:

Newspaper publications by a lawyer as to pending or anticipated litigation may interfere with a fair trial in the courts and otherwise prejudice the due administration of justice. Generally they are to be condemned. If the extreme circumstances of a particular case justify a statement to the public, it is unprofessional to make it anonymously. An ex parte reference to the facts should not go beyond quotation from the records and papers on file in the court; but even in extreme cases it is better to avoid any ex parte statement.

21.—Punctuality and Expedition:

It is the duty of the lawyer not only to his client, but also to the courts and to the public to be punctual in attendance, and to be concise and direct in the trial and disposition of causes.

22.—Candor and Fairness:

The conduct of the lawyer before the Court and with other lawyers should be characterized by candor and fairness.

It is not candid or fair for the lawyer knowingly to misquote the contents of a paper, the testimony of a witness, the language or the argument of opposing counsel or the language of a decision or a text-book; or with the knowledge of its invalidity to cite as authority a decision that has been overruled, or a statute that has been repealed; or in argument to assert as a fact that which has not been proven, or in those jurisdictions where a side has the opening and closing arguments to mislead his opponent by concealing or withholding positions in his opening argument upon which his side then intends to reply.

It is unprofessional and dishonorable to deal other than candidly with the facts in taking the statements of witnesses, in drawing affidavits and other documents, and in the presentation of causes.

A lawyer should not offer evidence, which he knows the Court should reject, in order to get the same before the jury by argument for its admissibility, nor should he address to the Judge arguments upon any point not properly calling for determination by him. Neither should he introduce into an argument, addressed to the Court, remarks or statements intended to influence the jury or bystanders.

These and all kindred practices are unprofessional and unworthy of an officer of the law charged, as is the lawyer, with the duty of aiding in the administration of justice.

23.—Attitude Toward Jury:

All attempts to curry favor with the juries by fawning, flattery or pretended solicitude for their personal comfort are unprofessional. Suggestions of counsel, looking to the comfort or convenience of jurors, and propositions to dispense with argument, should be made to the Court out of the jury's hearing. A lawyer must never converse privately with jurors about the case; and both before and during the trial he should avoid communicating with them, even as to matters foreign to the cause.

24.—Right of Lawyer to Control the Incidents of the Trial:

As to incidental matters pending the trial, not affecting the merits of the cause, or working substantial prejudice to the rights of the client, such as forcing the opposite lawyer to trial when he is under affliction or bereavement; forcing the trial on a particular day to the injury of the opposite lawyer when no harm will result from a trial at a different time; agreeing to an extension of time for signing a bill of exceptions, cross interrogatories, and the like, the lawyer must be allowed to judge. In such matters no client has a right to demand that his counsel shall be illiberal or that he do anything therein repugnant to his own sense of honor and propriety.

25.—Taking Technical Advantage of Opposite Counsel: Agreements With Him:

A lawyer should not ignore known customs or practice of the Bar or of a particular Court, even when the law permits, without giving timely notice to the opposing counsel. As far as possible, important agreements, affecting the rights of clients, should be reduced to writing; but it is dishonorable to avoid performance of an agreement fairly made because it is not reduced to writing, as required by rules of Court. A lawyer should scrupulously live up to all agreements, oral or otherwise, made with opposing counsel.

26.—Professional Advocacy Other Than Before Courts:

A lawyer openly, and in his true character may render professional services before legislative or other bodies regarding proposed legislation and in advocacy of claims before departments of government, upon the same principles of ethics which justify his appearance before the courts; but it is unprofessional for a lawyer so engaged to conceal his attorney-ship, or to employ secret personal solicitations, or to use means other than those addressed to the reason and understanding, to influence action.

27.—Advertising, Direct or Indirect:

The most worthy and effective advertisement possible, even for a young lawyer and especially with his brother lawyers, is the establishment of a well-merited reputation for professional capacity and fidelity to trust. This cannot be forced, but must be the outcome of character and conduct. The publication or circulation of ordinary simple business cards, being a matter of personal taste or local custom, and sometimes of convenience, is not per se improper. But solicitation of business by circulars or advertisements, or by personal communications or interviews, not warranted by personal relations is unprofessional. It is equally unprofessional to procure business by indirections through touters of any kind, whether allied real estate firms or trust companies advertising to secure the drawing of deeds or wills or offering retainers in exchange for executor-ships or trustee-ships to be influenced by the lawyer. Indirect advertisement for business by furnishing or inspiring newspaper comments concerning causes in which the lawyer has been or is engaged or concerning the manner of their conduct, the magnitude of the interests involved, the importance of the lawyer's positions, and all other like self-laudation, defy the traditions and lower the tone of our high calling, and are intolerable.

28.—Stirring Up Litigation, Directly or Through Agents:

It is unprofessional for a lawyer to volunteer advice to bring a lawsuit, except in rare cases where ties of blood, relationship or trust make it his duty to do so. Stirring up strife and litigation is not only unprofessional, but it is indictable at common law. It is disreputable to hunt up defects in titles or other causes of action and inform thereof in order to be employed to bring suit or collect judgment, or to breed litigation by seeking out those with claims for personal injuries or those having any other grounds of action in order to secure them as clients, or to employ agents or runners for like purposes, or to pay or reward, directly or indirectly, those who bring or influence the bringing such cases to his office, or to remunerate policemen, court or prison officials, physicians, hospital attaches or others who may succeed, under the guise of giving disinterested friendly advice, in influencing the criminal, the sick, the injured, the ignorant or others, to seek his professional services.

A duty to the public and to the profession devolves upon every member of the Bar, having knowledge of such practices upon the part of any practitioner, immediately to inform thereof to the end that the offender may be disbarred. "Ambulance chasing" is condemned.

29.—Upholding the Honor of the Profession:

Lawyers should expose without fear or favor before the proper tribunals corrupt or dishonest conduct in the profession, and should accept without hesitation employment against a member of the Bar who has wronged his client. The counsel upon the trial of a cause in which perjury has been committed owe it to the profession and to the public to bring the matter to the knowledge of the prosecuting authorities. The lawyer should aid in guarding the Bar against the admission to the profession of candidates unfit or unqualified because deficient in either moral character or education. He should

strive at all times to uphold the honor and to maintain the dignity of the profession and to improve not only the law but the administration of justice.

30.—Justifiable and Unjustifiable Litigations:

The lawyer must decline to conduct a civil cause or to make a defense when convinced that it is intended merely to harass or to injure the opposite party or to work oppression or wrong. But otherwise it is his right, and, having accepted retainer, it becomes his duty to insist upon the judgment of the Court as to the legal merits of his client's claim. His appearance in Court should be deemed equivalent to an assertion of his honor that in his opinion his client's case is one proper for judicial determination.

31.—Responsibility For Litigation:

No lawyer is obliged to act either as adviser or advocate for every person who may wish to become his client. He has the right to decline employment. Every lawyer upon his own responsibility must decide what business he will accept as counsel, what causes he will bring into Court for plaintiffs, what cases he will contest in Court for defendants. The responsibility for advising as to questionable transactions, for bringing questionable suits, for urging questionable defenses, is the lawyer's responsibility. He cannot escape it by urging as an excuse that he is only following his client's instructions.

32.—The Lawyer's Duty in its Last Analysis:

No client, corporate or individual, however powerful, nor any cause, civil or political, however important, is entitled to receive nor should any lawyer render any service or advice involving disloyalty to the law whose ministers we are, or disrespect of the judicial office, which we are bound to uphold, or corruption of any person or persons exercising a public office or private trust, or deception or betrayal of the public. When rendering any such improper service or advice, the lawyer invites and merits stern and just condemnation. Correspondingly, he advances the honor of his profession and the best interests of his client when he renders service or gives advice tending to impress upon the client and his undertaking exact compliance with the strictest principles or moral law. He must also observe and advise his client to observe the statute law, though until a statute shall have been construed and interpreted by competent adjudication, he is free and is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But above all a lawyer will find his highest honor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen.

33.—Partnerships—Names:

Partnerships among lawyers for the practice of their profession are very common and are not to be condemned. Certain Courts require that lawyers practicing before them shall appear individually and not as members of partnerships. In the formation of partnerships care should be taken not to violate any law locally applicable; and where partnerships are formed and permitted between lawyers who are not admitted to practice in the local courts, care should be taken also to avoid any misleading name or representation which would create a false impression as to professional position or privileges of the member not locally admitted. In the formation of partnerships for the practice of law, no person should be admitted who is not a member of the legal profession, duly authorized to practice, and amenable to professional discipline. No person should be held as a practitioner or member who is not so admitted. In the selection and use of a firm name, one not admitted to practice in the local courts should not be named, lest such use of his name should mislead as

to his professional position or privileges. And no false or assumed or trade name should be used to disguise the practitioner or his partnership. The continued use of the name of a deceased or former partner is or may be permissible by local custom, but care should be taken that no imposition or deception is practiced through this use. If a member of the firm becomes a judge, his name should not be continued in the firm name, as it naturally creates the impression that an improper relation or influence is continued or possessed by the firm.

Partnerships between lawyers and members of other professions or non-professional persons should not be formed or permitted where a part of the partnership business consists of the practice of law.

34.—Division of Fees:

No division of fees for legal services is proper, except with another lawyer, based upon a division of service or responsibility. But the established custom of sharing commissions at a commonly accepted rate, upon collections of commercial claims between forwarder and receiver though one be a lawyer and the other not (being compensation for valuable services rendered by each), is not condemned hereby, where it is not prohibited by statute.

35.—Intermediaries:

The professional services of a lawyer should not be controlled or exploited by any lay agency, personal or corporate, which intervenes between client and lawyer. A lawyer's responsibility and qualifications are individual. He should avoid all relations which direct the performance of his duties in the interest of such intermediary. A lawyer's relation to his client should be personal, and the responsibility should be direct to the client. Charitable societies rendering aid to the indigent are not deemed such intermediaries.

A lawyer may accept employment from any organization such as an association, club or trade organization, to render legal services in any matter in which the organization, as an entity is interested, but this employment should not include the rendering of legal services to the members of such an organization in respect to their individual affairs.

The established custom of receiving commercial collections through lay agency is not condemned hereby. But it is not proper to solicit collections either directly or indirectly through lay agents.

36.—Retirement From Judicial Position or Public Employment:

A lawyer should not accept employment as an advocate in any matter upon the merits of which he has previously acted in a judicial capacity.

A lawyer, having once held public office or having been in the public employ, should not after his retirement accept employment in connection with any matter which he has investigated or passed upon while in such office or employ.

37.—Confidences of a Client:

The duty to preserve his client's confidence outlasts the lawyer's employment, and extends as well to his employees; and neither of them should accept employment which involves the disclosure or use of these confidences, either for the private advantage of the lawyer or his employees or to the disadvantage of the client, without his knowledge and consent, and even though there are other available sources of such information. A lawyer should not continue employment when he discovers that this obligation prevents the performance of his full duty to his former or to his new client.

If a lawyer is falsely accused by his client, he is not precluded from disclosing the truth in respect to the false accusation. The announced intention of a client to commit a crime is not included within the confidences which he

is bound to respect. He may properly make such disclosures as to prevent the act or protect those against whom it is threatened. And, if by reason of his association with another lawyer, he gains knowledge of misconduct on the part of the other lawyer, it is his duty to transmit such knowledge to the State Bar.

38.—Compensation, Commissions and Rebates:

A lawyer should accept no compensation, commissions, rebates or other advantages from others without the knowledge and consent of his client after full disclosure.

39.—Newspapers:

A lawyer may with propriety write articles for publication in which he gives information upon the law; but he should not accept employment from such publications to advise inquirers in respect to their individual rights.

40.—Discovery of Imposition and Deception:

When a lawyer discovers that some fraud or deception has been practiced, which has unjustly imposed upon the Court a party, he should endeavor to rectify it; at first by advising his client, and if his client refuses to forego the advantage thus unjustly gained, he should promptly inform the injured person or his counsel, so that they may take appropriate steps.

41.—Expenses:

A lawyer may not properly agree with a client that the lawyer shall pay or bear the expenses of litigation; he may in good faith advance expenses as a matter of convenience, but subject to reimbursement.

42.—Professional Card:

The simple professional card may with propriety contain only a statement of his name (and those of his lawyer associates), profession, address, telephone number, and special branch of the profession practiced. The insertion of such card in reputable law lists is not condemned and it may there give references or names of clients for whom the lawyer is counsel with their permission.

43.—Withdrawal From Employment as Attorney or Counsel:

The right of an attorney or counsel to withdraw from employment, once assumed, arises only from good cause. Even the desire or consent of the client is not always sufficient. The lawyer should not throw up the unfinished task to the detriment of his client except for reasons of honor or self-respect. If the client insists upon an unjust or immoral course in the conduct of his case, or if he persists over the attorney's remonstrance in presenting frivolous defenses, or if he deliberately disregards an agreement or obligation as to fees or expenses, the lawyer may be warranted in withdrawing on due notice to the client, allowing him time to employ another lawyer. So also when a lawyer discovers that his client has no case and the client is determined to continue it; or even if the lawyer finds himself incapable of conducting the case effectively. Sundry other instances may arise in which withdrawal is justified. Upon withdrawal from a case after a retainer has been paid, the attorney should refund such part of the retainer as has not been clearly earned.

44.—These rules are applicable to all branches of the legal profession; specialists in particular branches are not to be considered as exempt from the application of these principles.

45.—Nothing in these rules is intended to limit or supersede any provision of law relating to the duties and obligations of attorneys or the consequences of a violation thereof.

JUDGE DEAVOURS: Will you read Rule 24 again?

SECRETARY JIGGITTS: Yes, sir. That is the right of the lawyer to control incidents in the trial?

JUDGE DEAVOURS: Yes, sir.

SECRETARY JIGGITTS: I will read this over. It reads:

> "Sec. 24. RIGHT OF LAWYER TO CONTROL THE INCIDENTS OF THE TRIAL.—As to incidental matters pending the trial, not affecting the merits of the cause, or working substantial prejudice to the rights of the client, such as forcing the opposite lawyer to trial when he is under affliction or bereavement; forcing the trial on a particular day to the injury of the opposite lawyer when no harm will result from a trial at a different time; agreeing to an extension of time for signing a bill of exceptions, cross interrogatories, and the like, the lawyer must be allowed to judge. In such matters no client has a right to demand that his counsel shall be illiberal, or that he do anything therein repugnant to his own sense of honor and propriety."

MR. REILY: There was one provision read by him with regard to the payment of witnesses—if you can re-read that section again.

SECRETARY JIGGITTS: Yes, sir; I will read that:

> "Sec. 39. WITNESSES.—Compensation demanded or received by any witness in excess of statutory allowances should be disclosed to the court and adverse counsel. If the ascertainment of truth requires that a lawyer should seek information from one connected with or reputed to be biased in favor of an adverse party, he is not thereby deterred from seeking to ascertain the truth from such person, in the interest of his client."

JUDGE DEAVOURS: What was that?

SECRETARY JIGGITTS: I imagine if you had to pay a witness' expenses, for instance, or that his time lost was —say a man was making $20.00 a day, the professional man, or a doctor, making $50.00 a day, he wouldn't come and testify for less than $25.00 a day, when his witness fee—whatever it is, one dollar, I think—if he only gets that. I think you could pay him $25.00, but disclose it to the Court that that is what you are paying him.

MR. REILY: This just occurred to me: Frequently suits occur in which many of the witnesses are out of the State; and in that event it is necessary—and particularly is this true with reference to railroad companies, the railroad company has to bring its witnesses from out of the State, some of whom are in the employ and some are not;

and in other cases lawyers who represent the plaintiffs in personal injury suits find it necessary to employ doctors; and the competent doctor will not come a distance and come into court and lose his time and testify for the statutory fees. That section, as I see it, if counsel requires a disclosure to the court—the spirit of which will meet with the approval of every ethical lawyer—it leaves it open as to how the disclosure shall be made. To make it in the presence of the jury is going to influence the jury improperly. It occurs to me that some provision should be made in there in regard to the method in which the disclosure should be made. I think it is proper that every witness who takes the stand and testifies in a court of justice, the truth as to what he is being paid ought to be disclosed to the court; but at the same time we have to deal with the danger of having that information given in the presence of the jury. Every man who has the right thrill of his profession wants it perhaps so that nothing will take place in the trial of a case that will make the jurors forget the sacred obligation which is theirs; and it occurs to me that that question should not be left in doubt. I am heartily in favor of that provision, but some provision should be made so there can be no subterfuge in it; so that one man when he lives up to it may be sure that the other man will do the same thing; and the way it is drawn, it is in doubt as to how the disclosure should be made. I simply bring that to the attention of the Bar for whatever discussion the Bar may think would be right.

It seems to me that that provision should be full, so that there will be no subterfuge. I do not mean to indicate that any particular man would try to practice subterfuge; but I want the way so plain that nobody can do wrong.

SECRETARY JIGGITTS: Suppose you put in there "no such disclosure shall be made in the presence of the jury?"

MR. HALL: In reference to that clause under consideration just now, I want to make a motion that we further insert therein these two words, "upon request." Now, as that reads it says: It is the duty to disclose to the court and opposing counsel whatever witnesses get. That means in every case you try if the witness is getting more than the statutory fee you have to tell the other fellow about it. I do not think it ought to be required in every lawsuit that the lawyer has to tell the court and the opposing counsel what is being paid to a witness unless it is asked by him. In nearly every case of any importance there are witnesses who are paid more than the statutory fee. Therefore, I

think those two words, "upon request," should be inserted in the clause, and I move that they be inserted.

MR. REILY: I think that covers it; I think my friend is right about it; and I second the motion.

PRESIDENT VENABLE: Is there any further discussion? If not, you have heard the motion, duly seconded, that the words "upon request" be inserted in the section. All in favor of that will let it be known by saying AYE; those opposed NO. The AYES have it, and it is so ordered.

SECRETARY JIGGITTS: I will read that section as now amended:

> "Compensation demanded or received by any witness in excess of statutory allowances should be disclosed to the Court and adverse counsel upon request."

That is the way it reads now. That is what we voted on.

MR. L. D. HALL: Now, I move, in order to get it clear, that these further words be added: "But not in the presence of the jury."

JUDGE STEVENS: Would that not prevent introducing any evidence on that?

MR. BOZEMAN: While the witness was on the stand, would it not be entirely competent for me to ask the witness himself in the presence of the jury, "Isn't it a fact that you have been paid $50.00 to come here and testify in this case?" It goes to the credibility of the witness.

MR. L. D. HALL: Let me say this, that I don't mean by that to undertake to limit the rules of evidence. That is when a lawyer is called on. We are not adopting rules of evidence. We are adopting rules of professional conduct, and when a lawyer is called on to disclose what a witness is being paid, that is a different proposition from when the witness himself is asked the question on the stand. We are not making rules of evidence. We are adopting rules of professional conduct. Therefore, when a lawyer is called on as to what his witness is receiving, I don't think that he ought to have to say it in the presence of the jury. If they want to ask the witness, it is all right.

SECRETARY JIGGITTS: Mr. Bozeman, I don't think that would affect this. We can not change the rules of evidence. That is just a question of what the lawyer will say.

MR. BOZEMAN: I don't want it to be unprofessional or unethical for any lawyer to ask any witness while he is on the stand what compensation, if any, he is getting.

PRESIDENT VENABLE: I call your attention to the fact that that would be a request.

MR. EAGER: It occurs to me that we are adopting an unnecessary rule. If the motive of the lawyer or of the client is bad, if the compensations paid for the purpose of obtaining improper or perjured testimony, or wrongful evidence, either the client or attorney be guilty of such conduct, he would likewise refuse to answer honestly and truthfully any demand propounded. Why are we not now thoroughly and fully protected without going into such minute detail in the handling of the case. We know from common practice that about the last question a lawyer asks an expert witness is, whether he be a doctor, or chemist, or engineer, or surveyor, "how much Mr. Doe is paying you," or "has paid you," or "hasn't he paid your expenses," and "aren't you drawing $100.00 a day?" Doesn't that disclose it fully and completely without providing a lot of preliminary and, I think, unnecessary procedure with reference to such a matter?

I know in almost every case my friends have mentioned when it is necessary to bring witnesses out of town, it is necessary to send that witness sufficient compensation to pay his expenses; he is out of town, and he comes here to Jackson; he has hotel bills, and his expenses, that are two or three or four times as much as his per diem; it is unreasonable and you would not expect him to come from a distance, and especially as an expert—is there anything improper in that? Is there anything that demands that we provide in these canons of ethics that before you can do that, which is your and my highest obligation to our clients to do to get proper and competent evidence on a reasonably honorable basis—is it necessary to lay down a rule that you must disclose all those details—that I sent a man at, Monroe, Louisiana, $25.00, and after he comes to court I agreed that he be paid $5.00 or $10.00 a day to cover his time? Isn't it fully satisfied when counsel or the court now have the opportunity to interrogate the witness on the witness stand and disclose every detail you want to with reference to his interest in the case? I feel that we are probably handicapping ourselves with an unnecessary detail, and I make a motion that that section be stricken from the canons.

MR. WILLIAMSON: I want to say this further: If counsel were so inclined they could conduct a fishing expedition; get his information before hand so he would know what he was going to tell before the jury and court, and so I don't believe in giving a man advantage of such a fishing expedition; therefore, I second the motion.

SECRETARY JIGGITTS: I will read it as you have got it.

MR. EAGER: My motion goes to the whole section.

PRESIDENT VENABLE: There is a motion, to dopt an amendment.

MR. HALL: I will withdraw that motion I made to amend it, and will doubly second the last motion that is made.

MR. YEAGER: Might we save time by letting the gentleman add to his motion that the sections be re-numbered seriatim, so that the section following shall be numbered 39?

PRESIDENT VENABLE: Let the sections be re-numbered?

MR. EAGER: I will accede to that.

SECRETARY JIGGITTS: This is Section 39.

PRESIDENT VENABLE: It is moved that Canon No. 39 be stricken and that the various canons be re-numbered. All in favor of that motion will let it be known by saying AYE; all opposed NO. The AYES have it, and it is so ordered.

JUDGE DEAVOURS: I still do not understand that canon No. 24.

SECRETARY JIGGITTS: I will read Canon No. 24 again. This is Canon No. 24, which Judge Deavours asks to be read:

> "As to incidental matters pending the trial, not affecting the merits of the cause, or working substantial prejudice to the rights of the client, such as forcing the opposite lawyer to trial when he is under affliction or bereavement; forcing the trial on a particular day to the injury of the opposite lawyer when no harm will result from a trial at a different time; agreeing to an extension of time for signing a bill of exceptions, cross interrogatories, and the like, the lawyer must be allowed to judge. In such matters no client has a right to demand that his counsel shall be illiberal, or that he do anything therein repugnant to his own sense of honor and propriety."

JUDGE DEAVOURS: I think the client is entitled to some consideration in those matters.

SECRETARY JIGGITTS: In such matters the client has no right to demand that his counsel be illiberal.

PRESIDENT VENABLE: The lawyer shall be his own judge, it says. The client cannot control the lawyer.

SECRETARY JIGGITTS: I think if the opposing lawyer was sick and not present to conduct his case until the next term of court, even if my client wanted to control

it, I could still control it. You might have a situation, Judge, where your client insists, for instance, the case is set for a certain day, and your client insists that you insist on a trial on that day and you refuse to do so, that is not unethical.

MR. DENT: A great many lawyers are up here who are not up here all the time would like very much to know just when Judge Deavours will speak, and we would like to have an announcement as to that.

PRESIDENT VENABLE: He will speak the first thing after dinner, at two o'clock.

Gentlemen, what will you do — what is your further pleasure with respect to the Canons?

MR. HALL: I move they be adopted.

MR. YEAGER: I second the motion.

PRESIDENT VENABLE: Gentlemen, you have heard the motion, duly seconded, that we adopt the Canons.

MR. WILLIAMSON: One other question; over there, the question of where a lawyer cannot purchase or acquire any interest except his fee, in the subject-matter of the litigation. Does that mean that a lawyer cannot loan his client money, anticipating getting it back at the end of the litigation?

SECRETARY JIGGITTS: No, sir; that is in another place. It says he cannot advance it for the trial; but he can advance it as a loan, expecting reimbursement.

PRESIDENT VENABLE: All in favor of the motion to adopt the Canons will let it be known by saying AYE; all opposed NO. The AYES have it, and it is so ordered.

JUDGE RUSSELL: Mr. President, in order that we might have the widest publicity given to the Canons, I move it be the sense of the Association that every circuit judge and chancellor at the first term of court after the meeting of this Association, on the first day thereof, shall read and make such comments as may be deemed necessary upon these Canons of the Bar.

PRESIDENT VENABLE: They are to be printed and distributed to all judges, and members of the Supreme Court, and all members of the State Bar.

SECRETARY JIGGITTS: They will all be set out in the first issue of the Journal.

PRESIDENT VENABLE: Gentlemen, a matter of somewhat personal nature. I have just received a telegram from Judge D. W. Houston who for very many years

has been a very loyal member of every legal organization in the State:

> "I regret exceedingly that our bereavement over India's passing and Mrs. Houston's condition will prevent me being with you at this important meeting. I assure you I am still interested in the welfare of my brethren of the Bar as well as of the public, and I hope you will have a most successful meeting."

I am going to ask Mr. Jiggitts to act as Chairman, and I wish to make a motion.

(Secretary Jiggitts presiding.)

PRESIDENT VENABLE: I wish to make a motion that the State Bar instruct the Secretary to send Judge Houston and Mrs. Houston a telegram expressing our sympathy with him in his bereavement and our appreciation of his good wishes.

MR. BUTLER: I second the motion.

CHAIRMAN JIGGITTS: Gentlemen, you have heard the motion made by President Venable, duly seconded; all in favor of the motion will make it known by saying AYE; opposed NO. The motion is unanimously carried.

(President Venable presiding.)

PRESIDENT VENABLE: This afternoon at two o'clock we will have an address by Judge Deavours; and we are also to elect a President. Let us try to be back promptly at two o'clock.

We will now stand adjourned until two o'clock this afternoon.

SECOND DAY

(Afternoon Session.)

PRESIDENT VENABLE: The Association will come to order. Gentlemen of the State Bar, Ladies and Gentlemen: It is my pleasure to introduce to you this afternoon a member of the Bar of Mississippi who has served both at the Bar and on the Bench, and had a life full of experiences which come to lawyers. In addition to that, he has such a personality that there has grown up around him in the section of the State from which he and I come, eastern Mississippi, a number of traditions and stories, for the truthfulness of which I will not vouch. In fact, I will only tell one.

A gentleman with whom I was associated once in an official capacity told me that he went down into Jasper County to try a lawsuit, and the gentleman that I am going to introduce to you was on the opposing side; that the case was tried in an old church by the spring at the foot of the hill. When he arrived on the ground he was met by a constable with a subpoena summoning him as a witness; and after a while they called the witnesses to arise and be sworn, and they were sworn, he with the rest of them; and this gentleman got up and solemnly invoked the rule. They sent him down to the spring with the other witnesses and he was not permitted to return until the court had rendered its final decision.

I heard another story about this gentleman and another lawyer who has now passed to his reward, in which a man was charged with a violation of some criminal statute. It seemed that the justice of the peace had been nominated in a Democratic primary at the time the offense was committed, but had not been elected. This gentleman was defending. The other lawyer was prosecuting. The case was called before the justice of the peace at the old blacksmith shop or some other appropriate place, and this gentleman arose and said he wished to file a plea to the jurisdiction of the court; that according to the date in the affidavit the justice of the peace was not in office at the time of the commission of the offense and had no jurisdiction, and the only man who was authorized to try the case was the justice of the peace, his predecessor. The lawyer on the other side solemnly arose and said that he admitted the soundness of the general principle contended for by his distinguished opponent, but, however, his distinguished opponent, as many country lawyers do, had failed to note an exception to the well known rule invoked by him, that every one knew in this country that a nomination was tantamount to an election, and at the time the offense was committed the presiding justice had been nominated and was, therefore, logically in effect a justice of the peace and had full jurisdiction of the case. (Laughter.)

I tell these stories merely to bring to you the fact that the gentleman is not only a learned lawyer, a distinguished servant of the people in his profession, a man who served upon the bench, but also through the very existence of these stories, must demonstrate and has demonstrated that he has that element of humanness that has made him beloved

by the members of the profession and greatly honored. He is now instructing young lawyers on pleas to the jurisdiction of the court, drawing from his broad experience, his knowledge both of the rule and of the exception.

I want to introduce to you Judge Deavours. (Great applause.)

Judge Deavours then made his address on the "History of the Ole Miss Law School." Much interest was shown as the speaker gave a very fine talk.

PRESIDENT VENABLE: It is always both pleasant and profitable to hear Judge Deavours. I will say to him that under the Act constituting the Unified State Bar they are giving the Bar a chance in the publication of the Law Journal, and also the power to advance legal education, the legal standards of the State. I suggest sir, if you desire to do so, you submit to the Committee a proposal to have the State appropriate for the maintenance of the Law School the privilege tax required of lawyers to be paid, fifteen dallars. I have no doubt that committee will give that matter careful consideration and investigation, and will afford you ample opportunity to present all of the arguments in favor of it.

The next item of business is miscellaneous business. Is there anything further to come before the State Bar? If not, the next item of business is the election of officers. We have at this time the election of a President to serve during the next year. There is no specific provision as to the manner of your ballot. Before entertaining nominations, I should like to ascertain your will as to your method of balloting.

MR. CUNNINGHAM: I move you that we do it by ballot and by tellers.

MR. ELLIS: I second the motion.

PRESIDENT VENABLE: The motion is that the vote for President be taken by ballot and counted by tellers rather than by viva voce, provided there is more than one person put in nomination. You have heard the motion, duly seconded; all in favor will let it be known by saying AYE; all opposed NO. The Chair is in doubt. All in favor of the motion will please stand. Obviously there is a majority and a count is not necessary.

Gentlemen, I will now entertain nominations for President of this Association.

MR. REILY: Mr. President, and Gentlemen of the State Bar: I rise to nominate for President a man who is known not only throughout the width and breadth of Mississippi, but is known wherever the law is sought by those who believe in the sanctity of the law.

Twenty-eight years ago, when I was admitted to the Bar, at that time there was a man who, because of his unusual ability, because of his splendid character, because of the unyielding courage of his nature, challenged the respect and confidence of every man and woman in this State who was acquainted with him. That man served for years upon our Supreme Bench. He possessed the peculiar ability of announcing the law in that lucid, clear, unmistakable way that even the humblest lawyer might understand and appreciate. His decisions have not only been followed by the Bar of Mississippi, but you may ask the kissing waves of either ocean which caress the borders of this great nation, and wherever men believe at either ocean in the sanctity of the law, and the justness of the law, the man whose name I shall give you has written opinions which have been an aid, a help, and a guide to those who believe in the purity and sanctity of the law. I knew him when I was a mere boy, at a time when I possessed a dollar chair and a borrowed code; I went to him as a man who was ignorant when he was prominent and learned; I had occasion to learn the nature of the man. He is as gentle as a woman in all affairs in which it is possible for him to aid his fellowman. He is a man who is free from that thing which makes men crave prominence; he never sought prominence.

After he left the bench he followed a place of obscurity, as it were. He has been unmoved by the political turmoil in the State. He is a man who never worships men; he is a man who has fought and lived for principle; and in recent years when it became necessary for the honor of this Association and the honor of our profession to be vindicated, the President found it necessary to seek someone who was to perform fearlessly an unpleasant duty. The President did not seek to compliment anyone. The hour of trial had come; the time when the President must select men who had the oak and iron in their hearts to do their duty, whether pleasant or unpleasant, and the President very wisely selected on that committee the man whose name I shall give you.

I want to say, with due respect to every man here, and I believe the majority of the men here before me would say,

that no other man here this afternoon could have performed the duty which he performed in a more satisfactory and fearless way than he did.

I take great pleasure in nominating this man—nominating him because he will be an honor to our profession, and he will be an honor to this Association. Our nominating him, and electing him without opposition, if possible, it seems to me, in view of the singular service and the unusual service which he has rendered to the Bar, will be but a small acknowledgment of the appreciation of this Bar for the splendid service which he has rendered to our profession.

I take great pleasure in nominating that splendid citizen, that outstanding lawyer, that learned and just Judge of Jefferson County, Honorable Jeff Truly. (Prolonged applause.)

PRESIDENT VENABLE: Are there any further nominations?

MR. HEWITT: Mr. President, and Gentlemen of the Bar: Last evening at the banquet, when the President of the American Bar Association christened this new and young organization of Mississippi, he predicted that if it was carefully guided and properly officered that within two years from last night this Association would be one of the leading organizations of the United States and would be able to stand upon its feet.

In order for this new organization to properly function, the officers who must guide the destinies of this organization ought to be men and lawyers who are above reproach, who are high and eminent in their profession, who are learned in the law, and who have that high sense of honor and justice of which it has been characterized in the past. My friends, it ought to be guided by a man who is not only eminent in his profession, but who has a heart of gold, who is a public spirited citizen; and I am sure it will be.

I take great pleasure this afternoon in presenting to you for your consideration one of Mississippi's most distinguished lawyers and judges for this position. The Pike County Bar Association has unanimously endorsed Judge J. H. Price, of Magnolia, for this position, a man who was formerly a member of the Supreme Bench of this State, eminent in his profession, loved by all his people, a man who for the last thirty years, or since the organization of the Mississippi Bar Association, has been an honored member of this organization. He has given of his time, of his talent,

and of his life to the service of the Mississippi Bar. And I say to you, my good people, that Judge Price will lead this Bar Association, if you elect him, to that high position, and when its duties and powers are enlarged, as it has been, to take in a thousand more lawyers, he has got a heart of gold, that he cannot only guide its destinies with honor and credit to himself and the organization, but he will go out and show to these lawyers who are not members of this Association that it is to their interest that they become active members, and that they stand for this organization.

My friends, Judge Price has been for twenty-five years the President of the Pike County Bar Association; he has been a member of this organization for twenty-five or thirty years, since its organization; he has attended its meetings, he has been a faithful servant, an eminent lawyer; and I present him to you for your favorable consideration as President of this Association. (Prolonged applause.)

MR. BOYETT: Mr. President, would a resolution be in order at this moment?

PRESIDENT VENABLE: What is the resolution?

MR. BOYETT: The resolution will be sent up.

MR. R. L. DENT: Mr. President, a point of order. The gentleman is out of order.

PRESIDENT VENABLE: I think this resolution would not be in order at this time; it might follow later.

MR. JACKSON: Mr. President, and Fellow Members of the Mississippi State Bar: I came here today to perform an honor as well as a duty to myself and to the man, one of whom has already been placed in nomination.

Some years ago when I started to practice law down in Pike County, Mississippi, a young lawyer without a friend, without a precept in the law, it was my pleasure to know Judge J. H. Price, and to learn of the law at his hands and at his feet. Not only did he befriend me, but he has that milk of human kindness in his breast that makes him the friend of every lawyer, young and old, rich and poor, high and low. He is a man who knows how to face his duty when duty calls. He is not dramatic in his efforts, but a simple advocate for honesty, justice and truth in the Bar. I hope and I pledge that he will be to you the President of the Association you would want; that he will be an honor to the Association, and that he will be an honor to every

member of this Association, no matter where he is or where he is from. I second his nomination. (Applause.)

MR. BRAMLETTE: Mr. President, and Members of the Mississippi State Bar: I rise to second the nomination of a member of this organization whose judicial career flashed as a brilliant meteor across the legal firmament of Mississippi, a cultured gentleman, who would adorn the Court of St. James as a diplomatic representative of the American Government. Not only him we would honor, we would honor ourselves. I deem it a privilege to second the nomination of Judge Jeff Truly for President of this Association.

MR. ELLIS: Mr. President, I want to make a few feeble remarks. I want to second the nomination of a good man myself. I hail from Carthage, Mississippi. I am not speaking against anybody, but I am speaking for somebody. They tell me sometimes when the ladies vote they vote against somebody. I am not speaking against anybody, but I am speaking for somebody. I want to second the nomination of that great, upright, able jurist. Perhaps there are many men here who would make great Presidents of this Association, and adorn the Court of St. James. I think of Watkins, and I think of Wilbourn, and I think of others whose names I do not recall. I have nothing in the world to say against the gentleman from Pike; perhaps he is the soul of honor; but I feel this is an opportune time, this is the supreme moment, to nominate as our President Judge Jeff Truly of Fayette. I have known him for years, and I was overwhelmed by the introduction of the gentleman from Meridian, a man who hails from the East, the place of light legally and otherwise.

Judge Truly is about as much a Chesterfield of a man as I ever saw. He is what the lawyers call *suave in modo* —he is agreeable in manner. He is chaste in conversation; he is pure and just in his thought; and I believe he is one of nature's noblemen, a great jurist, a great judge, and worthy of the confidence and respect of our Association. He is ripe in years and rich in experience, sanctified, you might say, in the legal service of his country, for the glory of God and for the good that he can do. He has reached that period of life when he is above hate, he is above political chicanery and scheming; he is sane; he is sober; he is honest and sincere. His opinions on the Supreme Court, they are short, crisp and lucid, and clear and distinct. We have a great many judges who write long opinions, and they are prolix and verbose. Judge Truly hits the key-note and

comes right down the lane, talks to the point and stops when he gets there. I have the honor to second the nomination of that great and good man, ripe in years and rich in experience, qualified by fifty years of experience on the bench and service at the Bar of his beloved State. (Applause.)

MR. POWELL: I move the nominations be closed, and that we proceed to ballot.

MR. COOPER: I second the motion.

PRESIDENT VENABLE: It has been moved and seconded that the nominations be closed and that we proceed to ballot; all in favor of that motion let it be known by saying AYE; opposed NO. The AYES have it and it is so ordered.

MR. BOYETT: Is my resolution in order?

PRESIDENT VENABLE: I do not think so at this time, until after this election.

MR. BOYETT: I think the resolution is in order right at this time; there is no way to appeal from the Chair.

PRESIDENT VENABLE: Yes; I will grant you an appeal from the Chair.

MR. BOYETT: I leave it to your sound discretion.

PRESIDENT VENABLE: The gentleman has not desired formally to appeal from the Chair, but he leaves it to my sound discretion, and so I will exercise it in favor of the appeal. I held this resolution was not in order; we were electing a President.

I held that it was out of order for the reason that Presidents Emeritus are generally inactive, and we are engaged in the selection of an active President, and that it was out of order.

MR. DENT: I move the Chair be sustained.

MR. POWELL: I second the motion.

PRESIDENT VENABLE: The question is whether the Chair's position be sustained; all in favor will say AYE; opposed NO. The AYES have it, and it is so ordered.

MR. BOYETT: The Chair will permit me to say, I did not appeal from the Chair.

PRESIDENT VENABLE: I understood that; I said you left it to me. I am going to ask Mr. McGehee, Mr. E. B. Williams, Mr. Ellis, and Mr. Jacobson to distribute blank pieces of paper, and also to collect the ballots; two of you gentlemen will take this side and two of you the

other side. I will appoint as tellers Mr. Stovall and Mr. Wilbourn.

MR. BOYETT: A point of information. There has been no nominations for First and Second Vice Presidents. Is it left up to each of us to vote for a Vice President as we see fit, or should one be put in nomination?

PRESIDENT VENABLE: We are voting now only on the President. We have not reached that yet. This ballot is solely on the office of President.

MR. DENMAN: Mr. President, I believe I recognize in this body a situation that is embarrassing, and I rise to a point of order. I want to know this: Who designated or provided that the ballot would be secret?

PRESIDENT VENABLE: By vote of the body itself; that question was submitted, and they voted to take the ballot; you all did it yourselves.

I have here a telegram from Mr. Geo. J. Leftwich.

Aberdeen, Miss., Sept. 2, 1932.

Lewis M. Jiggitts, Secretary,
Jackson, Mississippi.

Please express to the Mississippi State Bar my regrets not to be able to attend the most important meeting of its history.—GEO. J. LEFTWICH.

(The tellers here proceeded to count the ballots.)

MR. McNEIL: It is very evident, Mr. President, from the votes that have been already counted that it is the sense of this body to elect Judge Truly President of the Mississippi State Bar. I am authorized to withdraw the name of Judge Price, and make a motion that the vote be made unanimous. (Applause.)

PRESIDENT VENABLE: Gentlemen, you have heard the motion; is there a second?

JUDGE LYELL: I second the motion.

PRESIDENT VENABLE: The motion is that—Judge Price's name is withdrawn, and the motion is to make the election of Judge Truly unanimous. All in favor let it be known by saying AYE; opposed NO. The motion is carried.

MR. McNEIL: Mr. President, I place in nomination the name of Judge J. H. Price for Vice President of this Association.

JUDGE LYELL: I second the nomination.

PRESIDENT VENABLE: If the gentlemen will postpone that for a moment, I am going to ask General Flowers and Mr. Watkins to conduct the new President to the stand.

(Judge Truly was here escorted to the platform.)

MR. VENABLE: Mr. President, I would formally deliver to you my gavel were it not my pocket knife. How-

ever, I wish to introduce, but you need no introduction—a mere formal courtesy—to introduce you as the New President of the Mississippi State Bar. My experience of fourteen months enables me to say that without shadow of doubt you will receive from all of us our loyal support and hearty co-operation, the best service of which we are capable. Gentlemen, Judge Truly.

PRESIDENT TRULY: Gentlemen, the fervor and sincerity of your greeting warms the blood and stirs the heart to impulses and aspirations which have lain dormant for years.

I can only conceive the reason for me, an unlettered man, to receive such a welcome and such an honor from the greatest assemblage in Mississippi is due to the enthusiastic partiality of those friends who have over-lauded my deserts.

It is hard to understand exactly the feelings which I would express to you. The sere and yellow leaves incident to life fall away, the buds of promise quicken afresh, and the tender blossoms of hope glow again under the sunshine of your love, and I trust will live to reach a partial fruition of the desires, and designs, and objects of this great assembly.

When I think of the important position to which the unguarded partiality of my friends has exalted me, my heart lifts up with joy at the confidence expressed. But when I recall the great responsibilities which this position carries, my courage fails, and I falter in the idea that I can carry out any of your wishes. And yet, when I remember that in any efforts that I may make I will have, standing by my side, elbow touching elbow, and shoulder to shoulder, the greatest and brainest association in the State, I am bouyed up with hope that some little good may result. (Applause.)

This is a crisis in the affairs of the Mississippi State Bar because of opportunities which have been created under the great administration which has been given the Association during the past year by Judge Venable, whose position I will occupy, but which I cannot fill. (Applause.)

It is a crisis, because now the law controls the lawyers. We are members of a brotherhood; we are all members of one family, and the only way there can be success is for each and every lawyer here, and each of those who are so unfortunate as not to be here, to adopt as the joint and individual motto of himself in his professional life that motto which thrilled you in the romantic days of youth of

the Three Guardsmen, which must be and should be "One for all, and all for one." (Applause.)

Live up to that. Be ready to answer the call of duty. Remember that when, as in the days of old, the flaming message was sent out to Clan Alpine's warriors true, every falchion from its scabbard leaped, all minor ties forgotten, and each hasted to the spot where loyalty pointed. So we must each respond in equal fealty should necessity arise or danger confront.

I call on you in that spirit of loyalty. I will not now undertake, because of lack of knowledge of all that has passed, to say to you aught of what the Bar may accomplish, further than some few general observations, which pertain not only to this instance, but to the Bar at all times. Much has been done under Judge Venable and the Commissioners who assisted him; great strides have been taken; remedial legislation necessary has been enacted; much has been done to clear the atmosphere. Much still must be done. We as a Bar must attempt to remove the idea now lodged in the mind of many laymen that aspersion or criticism of a lawyer is justified or excused for no cause except, forsooth, he is a lawyer. In the effort to remove this unfounded suspicion and end unwarranted criticism let us enlist the powerful influence of the Press by saying to all alike: "Do not asperse or criticize or malign lawyers as a class, but if you have specific charges of dishonorable or unethical conduct to be preferred against any individual, present them to an officer of the Mississippi State Bar." Assure the people, and assure the Press that where cause for action is presented searching investigation shall forthwith commence, and in proper cases, adequate punishment inflicted. We must do that. We must weed out the unfit if any there be. We must prevent the possibility of any just criticism being directed against the lawyers as a class. If an operation becomes necessary for the purification of the profession, let it be with the surgeon's lancet, cutting deep enough so that all corruption can drain out speedily and entirely; do not cover up the proud flesh of what is wrong with the idea that corruption will not still spread. Mark you! I dare affirm, after an experience that is not exceeded perhaps by anybody in this audience, so far as years are concerned, and I repeat it upon any and all occasions—There is no profession in any state, anywhere, where the vast majority of its members are as brainy, as clean lived, as charitable, as full of civic pride and moral courage as the Bar of the State of Mississippi. We must impress that

upon the young men of our profession. We want to teach the boys who have the benefits of our great colleges and say to them: "Look, here are some of the men who adorn your profession. Look, here is Marcellus Green, here is Stone Deavours, here is W. E. Baskin, here is Judge Thompson, here is Judge W. M. Cox, and there are the circuit and supreme court judges of the State: Model your life, your walk and your conversation upon their records, and live so as to succeed them when they shall pass away." But to do that we must do our own duty. We must let it be known, and the young men must be taught, that the Law is not a money grabbing trade: we are not engaged in trade: we do not practice law for money alone, and I adjure you all, the old and the young, do not estimate a lawyer by the money he makes: Esteem him for the position he occupies in his community, and by the good he does, or attempts to do, for the State itself. These are the things which we must do.

Another thing, we must show to the world that our profession is a profession of gentlemen. It is a profession that embodies the Latin phrase, which some of these students should tell me—Suaviter in modo, fortiter in re—which means, we as lawyers are generally, and should be always, courteous to each other, not guilty of proud bearing, not guilty of chicanery, not guilty of trickery, not guilty of anything that will reflect upon our great profession; but, when confronted by a public necessity, by a public duty, by a forlorn hope to be led for the right, a lawyer must always be on the watch for such opportunities, and do his part manfully. These are some of the things that must be taught.

More than that, we must let it be known that this is a courageous profession. We doff the hat, we respect the court because the court is the emblem of authority. We respect the court because the judges themselves are the arbitors of what is right. We honor the position which the man fills, but esteem ourselves equal to the man who fills the position. Showing courtesy to courts and to judges, we expect equal consideration of judges and of our opponents in trial. These things we must have.

We must do more than that. We must let the business men and women of this country and of the State know that while we advise you while living, while we help you as you die, we will protect your widow and your orphan from robbery after you are dead. Let it be shown that there will be no despoiling of estates either with or without the

administration of the courts. The lawyer is always worthy of his pay, but there is no dishonesty in our profession. We want these things also.

More than that, we want at last to know that wherever a duty is presented from the state-at-large we here, in the Bar, are the leaders of thought, the leaders in principles, the leaders in effort, and when we band together there can be no such thing, as there never has been, of corruption on the judge's bench, of chicanery in the practice, or aught that could be condemned by a code of ethics. But let it not be understood that the lawyers are either spies or Puritan. We maintain the ethics of the profession as a whole, but it is not to us, nor is it for our grievance committee, to listen to every chance rumor that comes from everybody that is overcharged, as he thinks by a lawyer, or who fails to collect an uncollectible claim. Remember always that it is only when a man does violate the ethics upon matters material to the dignity and integrity of the profession, then the Bar is vested with the power to reach out its hand and correct, to use its voice to admonish, and to reconcile, if possible; punish, if necesary. Upon that score I ask your assistance, each and every one.

I hope to live to see the day when we as a Bar will be able to say, and to have the people of the entire state to say, and have the press to recognize the fact that when it comes to a life of living, a life of endeavor and efforts to support the State, the Bar of the State of Mississippi is as stainless as the steel of Lee, and as indomitable as the Father of his Country in the discharge of its duty. (Applause.)

I thank you—I thank all of those of you lawyers—I would be untrue to my own ideas if I did not say that I had no idea of being a candidate. That was a matter that was left to the enthusiasm of some young friends, like Judge Deavours, and Judge Hughes and Judge Brien, and other boys of that kind. They are the ones who are responsible for that.

And now I want to say, hackneyed as it may be and uttered often, never more sincerely than now:

> The monarch may forget the crown that lately on his brow hath been,
> The bridegroom may forget the bride that was his own but yester e'en,
> The mother may forget the babe that smiled so sweetly on her knee,
> But ne'er will I forget my friends, and all that they have been to me.

Again I thank you.

MR. BROWN: Mr. President, I do not believe that in the history of this Bar Association of Mississippi any president has labored under greater difficulties or accomplished more than he who has just yielded the gavel of his office to you. I want to say to you that in the fourteen months, I believe it is, that Judge Venable has held the office of President perhaps more has been accomplished for the good of the Bar of Mississippi than has ever before been accomplished. I desire to say, Sir, that I believe a great deal of this has been the direct result of the untiring work and effort of Judge Venable. (Applause.)

He has given freely of his time, his talent, and has worked ceasingly for the good of this Association. I do not know of any man who has labored more faithfully to discharge or to perform a trust that has been given him than Judge Venable. I have seen him in his efforts here in Jackson while they were working on this bill to which your attention has been called this morning, and I know Judge Venable's efforts were largely responsible for the passage of that Act.

I want to move now that by a rising vote we extend to him our thanks and appreciation for his efforts and for his untiring labors.

MR. HOLMES: I second the motion.

PRESIDENT TRULY: You have heard the motion; all in favor will please stand. (The Association stood during continued applause.)

JUDGE VENABLE: My friends, I cannot express to you how much I appreciate the expression you have just given. If I have contributed anything, it is no more than I should have done; but if it be worthy of reward, you could not pay me in more valuable coin than the gold of your goodwill and your affection. I thank you. (Applause.)

PRESIDENT TRULY: The next matter of business is the election of a First Vice President.

MR. BRAMLETTE: Mr. President, I move that Judge J. H. Price be elected First Vice President of the Mississippi State Bar by acclamation.

MR. McNEIL: I second the motion.

PRESIDENT TRULY: Are there any other nominations? If not, all those in favor of the motion will signify it by rising. Judge Price is unanimously elected.

MR. BOYETT: I wish to put in nomination Mr. James McClure for Second Vice President.

MR. KYLE: I wish to second the nomination of Mr. James McClure, of Sardis, for Second Vice President of

the Mississippi State Bar. In doing that, I want to say that I have practiced law at the Bar with Mr. McClure for twelve or fourteen years; there is no lawyer in Mississippi who maintains a higher standard in the profession than Mr. McClure. If selected as Second Vice President of the Mississippi State Bar, I feel sure that he will return a service to the Bar which will reward you for having bestowed upon him that honor.

(Upon motion, duly seconded and carried, the nominations were closed, and the Secretary was instructed to cast one vote of the Association for Mr. James McClure for Second Vice President.)

PRESIDENT TRULY: The next matter of business is the selection of a place of meeting.

SECRETARY JIGGITTS: Gentlemen, I have some telegrams which were sent to me to be read when this matter came up. I will read all of them at once.

Hattiesburg, Miss., Sept. 2, 1932.

Louis Jiggitts, Secretary,
Mississippi State Bar, Jackson, Miss.

Best wishes for success of your 1932 convention from the Hattiesburg Kiwanis Club. We cordially invite you to hold your 1933 convention in Hattiesburg. We are prepared to entertain you in the Hub City.—HATTIESBURG KIWANIS CLUB.

Hattiesburg, Miss., Sept. 2, 1932.

Louis Jiggitts, Secretary,
Mississippi State Bar.

Success to your 1932 convention. The Hattiesburg Lions Club, with a roar, cordially invites the Mississippi State Bar to hold their 1933 convention at Hattiesburg.—HATTIESBURG LIONS CLUB.

Hattiesburg, Miss., Sept. 2, 1932.

Louis Jiggitts, Secretary,
Mississippi State Bar.

In behalf of the entire City of Hattiesburg the Chamber of Commerce assures the Mississippi State Bar a most delightful time in our city, if you will but hold your 1933 convention here. We are ready to start plans at once. —CHAMBER OF COMMERCE.

Gulfport, Miss., Sept. 2, 1932.

President, Mississippi State Bar,
Robert E. Lee Hotel, Jackson, Mississippi.

We extend cordial invitation to you to hold nineteen thirty-three session with us.—THERESA HERBERT, President Business and Professional Women's Club.

Gulfport, Miss., September 2, 1932.

Mississippi State Bar in Session,
Robert E. Lee Hotel, Jackson, Mississippi.

People and officials of City of Gulfport extend cordial invitation your meet here next year. Ample hotel and recreational facilities.—J. W. MILNER, Mayor City of Gulfport.

Gulfport, Miss., Sept. 2, 1932.

Louis M. Jiggitts, Jr., Secretary,
Mississippi State Bar, in Convention Assembled Robert E. Lee Hotel,
Jackson, Mississippi.

The Gulfport Chamber of Commerce extends to you a most cordial invitation to hold your next meeting in our city. We have splendid hotel accommodations and the many attractions of the Coast will make your meeting with us a pleasure. We hope you will come.—GULFPORT CHAMBER OF COMMERCE.

Hattiesburg, Miss., Sept. 2, 1932.

Mr. Louis Jiggitts, Secretary,
Mississippi State Bar, Jackson, Mississippi.

Greetings from the Hattiesburg Exchange Club which extends to the Mississippi State Bar a most cordial invitation to hold their 1933 convention in Hattiesburg. Can assure you a most pleasant visit to Hattiesburg.—HATTIESBURG EXCHANGE CLUB.

Hattiesburg, Miss., Sept. 2, 1932.

Mr. Louis Jiggitts, Secretary,
Mississippi State Bar, Jackson, Mississippi.

The Hattiesburg Rotary Club extends a most cordial and urgent invitation to the Mississippi State Bar to hold their 1933 convention in Hattiesburg. We know that you all will enjoy the hospitality of our city.—HATTIESBURG ROTARY CLUB.

MR. R. L. DENT: This Association at this time was by vote to be convened in the City of Vicksburg. However, on account of the change in the law the meeting had to be held here.

I am requested by the Bar of the City of Vicksburg, by the Chamber of Commerce, and other organizations there, to cordially invite this Association to come to the City of Vicksburg. We have beautiful buildings, splendid hotels, we have churches—and I am told that we have a great many other things which I know nothing about. For instance, I am advised and told that our Circuit Judge at the last term of the court charged the jury that as a matter of law Warren County made the best corn liquor of any county in Mississippi. The Circuit Judge is here; I cannot bear witness to his charge.

We cordially invite you to come to Vicksburg. We felt that we ought to have this meeting, but in view of the fact that it had to be held here, we want you the next time.

MR. R. M. KELLY: Mr. President, I, following the recent precedent, claim the right of the City of Vicksburg to the next annual convention.

In the City of Meridian we entered into a primary; in fact, we had a second primary, with all of the cities, and we won out. The legislature, in the usual form, germandered us out of that meeting and held that we should meet here in Jackson. Well, I just say, as a matter of right,

and as a matter of law, Vicksburg is entitled to the next meeting. For other reasons, I would like to see the City of Vicksburg have the honor of a meeting of an organization presided over by such men as Judge Venable, Judge Truly, and Judge Deavours, and all of the other galaxy of wonderful men who have presided over this Association. Not only that, but the honor of the meeting of the men who made up this organization, and who in the future, if they do their duty, as outlined by these wonderful presidents will be the means for better or worse of the government of the State in the future.

I hope, and I promise, if you do come there, and I assume you will as a matter of right and of law, we will offer you, in addition to some of the things that have been suggested by my friend Dent—he doesn't know anything about some of the wonderful inspiration Stone Deavours referred to that so inspired and went largely to make up the great characters that he told us Colonel Lamar wrought. I hope you will come there and imbibe not only that inspiration, but the inspiration that you must and will learn if you visit the hills and the valleys of the City of Vicksburg, every foot of whose soil is hallowed with the blood of men who sacrificed their lives, their ambitions, their inspirations on the hills of the City of Vicksburg. I do not believe you can make a pilgrimage there, I do not believe you can drink in the scenes you find there without tending to make better men and better women, even of the great, wonderful, good men and women who compose this Association. Let's make it unanimous, and come to Vicksburg.

GENERAL FLOWERS: If the record bears out the statements made by Mr. Dent and Mr. Kelly, it looks to me like a closed case. I think they are entitled to it, and it seems to me this is a beautiful, warm invitation they have given; Mr. Kelly is very emphatic, and I really believe he wants us to come, and I think if it is true that they got legislated out of it this time after it was voted to them by the convention last year at Meridian, under all of the rules of the game they are entitled to it, and they seem to be so anxious about it, I move we accept their invitation without further ado.

PRESIDENT TRULY: Shall the nominations, or requests, be closed?

MR. WINGO: Ladies and Gentlemen of this Association, and Mr. Bob Kelly: I am reminded, ladies and gentlemen, having been a young member of this Association for the last ten years, of a story that is quite appropriate, and

here it is, briefly: There was a young man traveling through the southern portion of Louisiana, and he became inspired with the idea of taking that drink that Judge Deavours spoke about, and he began to inquire among some of the natives as to the *modus operandi,* and soon discovered that the only prerequisite was to apply to the country doctor who operated a drug store, and upon the slightest complaint a prescription would be written and a pint delivered. He went to the drug store and the doctor asked him if there was anything wrong with him. He said, "Doctor, I never felt better in my life, and I never more longed for a good drink than now." He says, "If you are not sick, I don't see how I can give you the prescription. Have you ever been bitten by a snake?" The fellow confessed that he had not, but it would indeed be a pleasure, if that were required. The doctor says, "You go to the rear of my drug store, and you will find out at the end of the door an old rattle snake with a rope around his neck; you will find a little stick there, and you take the stick and punch the snake and I will guarantee he will bite you; then come back to me and I will give you the prescription." The fellow was buoyed with hope, and he went to the back of the drug store, and sure enough he saw the snake. He picked up the stick and punched, and punched, and punched the old snake, and the old snake still wouldn't raise his head and wouldn't bat an eye. So, after he had been there for half an hour he was filled with discouragement and despair, and he returned. The doctor says, "Well, did you get bitten?" and he said, "Hell, no; that John Brown snake has been punched on for half an hour, but he is so fagged out bitting your regular customers that he doesn't give a darn about strangers."

Let's see about our claim for Hattiesburg. I represent fifty-three members of an active Bar—the Forrest County Bar, and the Hattiesburg Bar. We have in Hattiesburg two distinguished ex-presidents of this great Association in the persons of S. E. Travis and George M. Currie. We have not had, ladies and gentlemen, though we have often bid for it, the privilege, and honor, and distinction of entertaining this great Association since 1911, more than twenty-one years ago. Let us see: Meridian has had it repeatedly; Jackson has had it repeatedly; the Coast has had it repeatedly. Why, Mr. Kelly, we were in Vicksburg in 1921.

Ladies and Gentlemen, Hattiesburg is entitled to it; Hattiesburg has every facility, an active Bar, we have a new hotel, several hotels. We have a delightful climate.

The Coast is a wonderful section, Jackson, Meridian and Vicksburg are hospitable, but not any more so than Hattiesburg. We plead with you to give us the privilege, to give us the honor, and give us the pleasure of standing at the gates of our city, tiptoed and with outstretched arms to convince you when you come there you are entirely welcome, and to see that every moment will be profitable and pleasant.

MR. EATON: Mr. President, I think there are many of us who enjoy the rivalry between Vicksburg and Hattiesburg. It is a rivalry I think that should continue beyond this year, and in order that that rivalry may be continued, I want to extend to the Association on behalf of Gulfport the invitation to have its next meeting there. We think, Mr. President, it will be no less an adornment to your service to this Association to have you preside over the new Bar Association in our community.

MR. HENDRICK: Mr. President, I hate to insist against the will of this Bar Association that you return to Jackson. At this time you come here by the Act of the legislature. We want you to come the next time by a real cordial invitation on the part of the Hinds County Bar Association. And one of the things I want to get straight here—I am extending this invitation to return to Jackson—and that is, Judge Lyell was not acting on behalf of the Bar Association of Hinds County when he arranged for that program last night, but was acting on behalf of the State Bar Association, so we had nothing to do with part of that program. I certainly didn't have a chance to look them over like you and Judge Lyell did.

We do, gentlemen, give you a cordial invitation to return to Jackson. It is centrally located; it has been shown by this meeting; it is easily accessible; it is easy for the lawyers to assemble here, and I think from what I have heard during these last two days it is the purpose and desire of the lawyers to get down to real work, and I believe in spite of the cordial invitation extended by Gulfport, Hattiesburg and Vicksburg, due to the fact that you can't leave that Mississippi River water alone, that you will have more time, and your capacity will be better to transact the necessary business that comes before you. We want you to know that we cordially invite you to come back to Jackson.

MR. CAMERON: Mr. President: Coming from Meridian over to the suburb here, I want to remind the gentlemen of the convention of the fact that if you go on record and turn down the invitation of Vicksburg that has been

extended again, you will occupy a very unenviable position in the minds of the gentlemen of this section of the State, for the reason that this Association one year ago accepted the very kind invitation of Vicksburg. Are we now put in the attitude of turning after that acceptance a deaf ear to this call today? On behalf of the Meridian Bar—I presume I have that right—I desire to second the nomination of Vicksburg.

MR. EAGER: On behalf of the Jackson Chamber of Commerce, I wish to reiterate what my friend, Mr. Hendrick, has said on behalf of the Hinds County Bar Association. I do so at a sacrifice to myself, because nothing would do me more good personally than to make a trip to Vicksburg and Hattiesburg and not have to pack along four or five files and ten or fifteen thousand dollars worth of drafts. We are somewhat, gentlemen, in the position of the man who inquired of his friend with respect to the condition of his mother-in-law; he replied that she was at death's door, but he thought the doctor would pull her through.

If for any reason the will of the Association is such that you desire to go to the other communities the Jackson Chamber of Commerce gladly accedes to that wish, but if perchance you prefer to come back to the Capitol City, centrally located, with sufficient hotel accommodations, and other things of that kind, we want you to know from the Jackson Chamber of Commerce we are always ready, willing and glad to have you back at any time, and we seriously offer you that invitation.

MR. DENT: I believe if you will give Vicksburg the first opportunity and take a rising vote of those in favor of going to Vicksburg, I do not believe we would have to cast any other vote.

PRESIDENT TRULY: Will you vote by rising vote? All those in favor of Vicksburg will please stand. All those in favor of Hattiesburg will rise. All those in favor of Gulfport will rise. Vicksburg is unanimously elected.

Are there any other matters or motions to come before the Association? If not, the Mississippi State Bar will stand adjourned.

I certify and approve the foregoing as the proceedings and minutes of the annual meeting of the Mississippi State Bar. JEFF TRULY, President.

LOUIS M. JIGGITTS, Secretary.

September 14, 1932.

UNIFIED BAR ACT
H. B. No. 281

(AS APPROVED BY THE GOVERNOR, APRIL 20, 1932)

AN ACT TO PROVIDE FOR THE ORGANIZATION, REGULATION AND GOVERNMENT OF THE MISSISSIPPI STATE BAR, TO REQUIRE ALL LAWYERS NOW OR HEREAFTER PRACTISING LAW WITHIN THIS STATE TO BECOME MEMBERS OF THE ASSOCIATION CREATED HEREUNDER, AND TO DEFINE THE POWERS AND DUTIES OF SUCH ASSOCIATION.

SECTION 1. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI, That the resident lawyers now authorized to practice law in the State of Mississippi are hereby and herewith constituted an Association which shall be known as the Mississippi State Bar.

SECTION 2. After the passage of this Act and the organization of the Mississippi State Bar as herein provided, all resident persons now or hereafter admitted to practice law in this State shall be members of this association.

SECTION 3. The association created hereby shall be controlled and governed by a Board of Commissioners consisting of as many members as there are circuit court districts in the State. And when the president of the association shall not be an elected member of the board the number of members shall be one more than the number of circuit court districts.

SECTION 4. Within thirty (30) days after this Act shall become effective each circuit judge, from the lawyers resident in his district, shall appoint one who is in good standing as a member of the Board and shall certify his appointment to the Secretary of State. The persons thus appointed shall constitute the first Board of Commissioners and each shall hold office for one year from the date of the organization meeting provided for in the next succeeding section hereof and until his successor is elected in the manner hereinafter provided.

SECTION 5. When the Secretary of State shall have received certificates of appointments of members from all of the districts, or at the end of thirty (30) days from the effective date of this Act, even though all certificates of appointment have not been received, he shall notify the persons whose appointments have been certified of an organization meeting to be held at his office at a time to be fixed by him, not less than ten (10) days and not more than three weeks from the date of such notice. Such notice shall be sent by mail, postage prepaid, to each appointee at his known postoffice address. At the time and place designated in the said notice the appointees shall meet and organize the Mississippi State Bar by electing a president, who may or may not be one of the appointed commissioners, a first vice-president, a second vice-president, and a secretary. At such meeting the Board of Commissioners may fix the salary of the secretary and may adopt by-laws, rules and regulations under which the business of the association shall be conducted until the first meeting of the Mississippi State Bar as hereinafter provided for. The president and vice-president elected by the Board at such organization meeting shall hold office until the first meeting of the association and until their successors are duly elected. The secretary shall be elected by the Board and hold office for the same term as commissioners do.

SECTION 6. At the organization meeting held under the last preceding section a majority of the appointed members shall constitute a quorum for all purposes. And at all meetings of the Board of Commissioners a majority of the entire membership shall constitute a quorum for action upon any questions

that may come before the Board except such questions as this statute or the by-laws of the organization may require to be passed upon by a larger portion of the membership.

SECTION 7. The secretary elected at the meeting held under section 5 hereof shall at once proceed to make rolls which shall contain the name and place of residence of every lawyer in the State. He may adopt such means as he thinks best to make the rolls accurate and complete. There shall be made a separate roll for each circuit court district.

SECTION 8. The secretary shall also perform the duties of treasurer. He shall make bond for the safe handling of all funds for which he may become responsible, the bond to be in such penalty, with such sureties, and conditioned as the Board of Commissioners may require.

SECTION 9. The secretary shall keep minutes of all meetings of the Board of Commissioners and such minutes, signed by the chairman and secretary, shall be the evidence of the proceedings had and actions taken by the Board. He shall also keep the minutes of each meeting of the State Bar which minutes signed by him and by the presiding officer shall be evidence of the proceedings had and actions taken by the association.

SECTION 10. The secretary shall maintain his office at the State Capitol. But the meetings of the Board of Commissioners shall be at such places as the Board may select from time to time or as may be designated in calls made as herein authorized. The first meeting of the State Bar shall be at the State Capitol, but subsequent meetings shall be held at such places as the State Bar may from time to time select. The secretary shall attend all meetings of the Board and all meetings of the State Bar.

SECTION 11. The secretary shall receive a salary in such amount and payable in such manner as the Board of Commissioners may prescribe from time to time. No other officer shall be paid a salary. But the traveling expenses of members of the Board attending meetings of the Board and such expenses of committees making trips on business of the association shall be paid.

SECTION 12. Enrollment on the list of members of this association and the payment of annual dues as required hereby shall be prerequisites to the continued practice by any lawyer already admitted and to the engaging in the practice by persons hereafter admitted. The date on which the provisions of this section shall become operative will be determined in the manner hereinafter provided.

SECTION 13. Any lawyer changing his residence from one circuit to another shall promptly notify the secretary who shall make the changes on his rolls to show such person's name on the roll of the proper district.

SECTION 14. Each member of the association engaged in the practice, or in order to possess authority to practice law in this State, shall pay dues each year in the sum of $5.00. All dues shall be paid for the same period, that is, for the period of one year beginning on the day and month to be determined as in section 26 hereof provided. The dues shall be paid to the secretary of the association.

SECTION 15. Persons licensed to practice law but retired, or for any reason, not engaged in the practice may become members; as also may the judges of the supreme court, and circuit, chancery and county judges, and the judges of the Federal Courts. The payment of dues shall be optional with persons of the classes enumerated in this section, and persons having practiced less than one year, but they shall have all rights of other members of the association except that no judge shall be eligible to membership on the Board of Commissioners.

SECTION 16. The president shall preside at all meetings of the association, and shall have such duties as the association may by its by-laws prescribe. In

his absence, or in case of his inability to perform his duties they shall devolve upon the first vice-president; and in the absence or inability to act of the first vice-president the duties of the president shall be performed by the second vice-president.

SECTION 17. The president, whether one of the elected members of the Board of Commissioners or not, shall be a member and ex-officio the chairman of the said Board. In case he is absent from any meeting of the Board some other member of the Board shall be selected by the members in attendance to preside at that meeting.

SECTION 18. A vice-president may be at the same time a member of the Board of Commissioners.

SECTION 19. Vacancies in any office, including the office of commissioner, shall be filled by the Board of Commissioners and any person so elected by the Board of Commissioners to fill a vacancy shall hold for the balance of the term of his immediate predecessor in office.

SECTION 20. If any member of the Board shall be absent from three successive meetings thereof, unless the reason for his absence shall be temporary illness, the Board may declare his office vacant and proceed to fill it as provided in the last preceding section.

SECTION 21. At the annual meeting of the State Bar the members from each district shall separately assemble and elect the member for their district for the ensuing term. Members of the association not attending the meeting may at any time prior thereto send to the secretary of the association his vote in substantially the following form:

"I hereby cast my ballot for.....as a member of the.....circuit court district of Mississippi for the ensuing term.

This the.....day of.....,.....

(Signed) ....."

All such ballots so received by the secretary shall, prior to the time for the election of members of the Board, be delivered to the persons designated by the president to receive such ballots and present them to the members from the respective districts at the time they assemble to make a selection. Such ballots shall be sent in a sealed envelope and delivered, sealed, by the secretary. The number of the district shall be indicated on the outside of the envelope. Such ballots shall be considered and counted just as if each of the voters were present in person and voting. The result of the election in each instance shall be publicly reported by the chairman of the meeting held by the members from each district. The members of each district may themselves determine whether the voting of those present shall be by ballot or otherwise, but in any event the ballots of absent members shall be counted, and this too, whether the persons for whom the ballots are cast have been nominated or not. And if there are several ballots or votings the ballots of absent members shall continue to be cast as long as the persons they support are still in the contest.

SECTION 22. The State Bar shall be governed by the Board of Commissioners which shall have the powers and duties in this Act conferred and which shall be charged with the executive functions of the State Bar and with the duty to enforce the provisions of this Act. But the Board of Commissioners shall observe general rules, not in conflict with the provisions of this Act, adopted in the form of by-laws or otherwise by the association.

SECTION 23. The Board shall, subject to the approval of the justices of the supreme court, formulate rules governing the conduct of all persons admitted to practice.

2. It shall investigate and pass upon all complaints which shall be made concerning the professional conduct of any person who has been, or who may be hereafter admitted to the practice of law.

3. In the performance of the duties imposed and in the execution of the powers vested the Board of Commissioners may appoint committees and delegate to such committees the power and authority possessed by the Board itself. But the authority to pass upon the conduct of attorneys and to take action against or discipline attorneys may not be by the Board delegated to a committee. In such matters, however, committees may be authorized to make investigations and take evidence as is contemplated by other sections of this statute.

4. The Board of Commissioners shall render advisory opinions, upon the written request of any member of the association, as to the validity or propriety of any proposed act or course of conduct.

SECTION 24. 1. It shall be the duty of the Mississippi State Bar, by and through its president, to recommend to the state legislature such legislation relating to the courts, to matters of pleading, practice and procedure, and any other legislation which in its judgment will improve the courts and the law, or render the members of the Bar more efficient as ministers of justice and the courts more efficient as instrumentalities for its attainment.

2. The association shall have the right to make rules and by-laws not in conflict with any of the terms of this Act concerning the selection and tenure of its officers and committees and their powers and duties, and generally for the control and regulation of the business of the Board and of the State Bar.

3. The association shall have the authority to hold and conduct educational and social meetings and activities among the members of the Bar, to publish journals and generally to do such things as in their judgment may tend to improve the educational and ethical standing of the bench and bar.

SECTION 25. Any member failing to pay any dues after the same become due, and after two months' written notice of his delinquency mailed to him by registered mail, addressed to his usual place of abode, shall thereby stand suspended from membership in the Mississippi State Bar. It shall be the duty of the secretary, upon any member becoming suspended as above stated, to notify the courts of the county of his residence of such fact, viz: the circuit court, the chancery court and the county court if there be a county court, by mailing such notice to the presiding judge and to the clerk of such court to notify the delinquent in writing of his suspension. Any member shall be reinstated upon payment of delinquent dues and the secretary, upon such payment, shall forthwith notify the courts above mentioned of such fact and the clerks thereof shall file and preserve such notice.

The first year for which dues shall be paid shall begin on the date of the organization meeting of the first Board of Commissioners provided for in Section 5 hereof. That date shall fix the beginning and ending of the association year for which dues are paid. Dues for the first year may be paid at any time after the organization meeting of the Board, but the secretary shall not demand such payment until after the first meeting of the association to be called and held as herein provided. The two months' delinquency for which a penalty is provided in this section shall begin to run from the date of notification given to each member by the secretary after the first meeting of the association as herein provided for. In subsequent years the date from which such two months shall be computed shall be the date on which the secretary makes his demand after the beginning of the association year.

SECTION 26. If there shall be lodged with the Board of Commissioners a complaint or charge that any member of the State Bar has been guilty of a violation of the rules of conduct promulgated by the Association, or otherwise guilty of conduct evincing unfitness for the practice of law, or if knowledge

of such conduct shall otherwise come to the commissioners of the State Bar and it shall appear to them that there is reasonable ground for such complaint or charge, the Board shall take cognizance thereof and conduct an investigation relative thereto, said investigation to be carried on and conducted and the evidence heard as far as practical in the county of the residence of the lawyer accused, and after due notice to him and full opportunity to be heard.

If in the judgment of the Board proof has been made of substantial violation of the rules of conduct promulgated by the Association, or that the accused lawyer has been guilty of conduct evincing unfitness to practice law, the said Board shall have the power to institute such proceedings as they deem necessary in the Circuit or Chancery court of the county in which the accused resides.

If in the opinion of the Board, suspension rather than disbarment, would be adequate punishment, if the accused be found guilty on trial, it shall be their duty to so recommend to the court in the proceedings aforesaid.

If the Board shall be of the opinion, after investigation as aforesaid of the conduct of any member of the Bar, that a reprimand is all that justice requires, and that such reprimand will be adequate to meet the situation as developed, it shall have the power to reprimand said lawyer either publicly or privately without the necessity of instituting court proceedings.

When any member of the Bar who has heretofore been, or who may hereafter be suspended or disbarred, and after a period of probation, suspension or bisbarment, he wishes to be reinstated, he may present his petition for reinstatement to the Board of Commissioners and when said petition so presented is granted by said board through its written endorsement on said petition then said disbarred or suspended member is authorized to file his petition in either the chancery or circuit court; or said suspended or disbarred member shall have the right to file a separate and independent petition seeking reinstatement before the Chancellor or the Circuit Judge of the county of the residence of said suspended or disbarred member, and when petition in either case has been filed, a written notice shall be served the same as summoneses are served, upon the secretary of the Mississippi State Bar, at least ten days before the hearing, notifying him that said proceedings have been instituted, whereupon the said secretary shall notify the Board of Commissioners, who shall attend the hearing or have a representative attend the hearing, for the purpose of representing the State Bar in such proceedings.

If upon the hearing of said petition for reinstatement it is refused, the petitioner shall have the right of appeal to the Supreme Court of the State. If an order of reinstatement is entered the State Bar shall have the right if it desires, likewise to appeal to the Supreme Court without bond, which said appeal shall be taken within sixty days from the date of such decree, and during the period of such appeal the disbarred attorney shall be prohibited from engaging in the practice of law in the courts of the State. If the Supreme Court on appeal by petitioner refuses to affirm the reinstatement the disbarred member shall not present another petition for reinstatement for a period of twelve months from the date of the decision by the Supreme Court refusing to affirm.

Provided, that in all disbarment and/or reinstatement proceedings in the chancery or circuit court, a record shall be made of all testimony, evidence and other proofs taken in such proceedings, and upon appeals in such proceedings from the chancery and/or circuit court to the supreme court, the record shall be made up and filed with the supreme court as in other cases. The supreme court shall consider the evidence in the case, as disclosed by the record, and such other evidence as it may deem necessary for the administration of justice, and shall decide all questions of law and fact and render final judgment as to the disbarment, suspension, and/or reinstatement, as the case may be. The

rule that the supreme court will not reverse the judgment of the lower court on a question of fact unless it affirmatively appears upon the face of the record that the cause was decided contrary to the evidence shall not apply in cases arising under this Act, but the supreme court shall be the final judge of the facts, and the judgment to be rendered thereon.

SECTION 27. The Circuit or Chancery Court of the county in which the party whose interest is involved resides, shall have exclusive original jurisdiction in all matters pertaining to disbarment, but either party may appeal to the Supreme Court.

SECTION 28. The Board of Commissioners shall in no case give notice of court action, without having previously and privately given the party whose interests are involved an opportunity to explain or make amends or to satisfy the Board that he is guilty of no wrong doing or that the complaint against him, or his delinquency, if any should be dealt with without court action.

SECTION 29. If complaint is made of the conduct of any member of the Board, or if any member thereof is a party to the preferment of charges against any member of the association such member shall be disqualified from sitting as a member of the Board on the hearing of such charges. And any member may recuse himself when for good and sufficient reasons he deems himself prejudiced for or against a person charged. And a member may be required by the Board or by a party to a hearing before the Board to withdraw from the present hearing in cases of kinship or personal interest such as should ordinarily disqualify a judge to try a case.

SECTION 30. The Board of Commissioners shall have no authority to regulate the fees or charges of lawyers for the rendition of their professional services. Nor shall it in any way undertake to regulate such fees or charges.

SECTION 31. In investigation of charges of professional misconduct the Board, and any committee appointed by it for the purpose shall have power to summon and examine witnesses under oath and compel their attendance and the production of books, papers, documents and other writings necessary or material to the inquiry. Such summons or subpoena shall be issued under the hand of the Secretary of the Board or chairman of any duly constituted committee, and shall have the force of subpoena issued by a court of competent jurisdiction, and it shall be the duty of any person so summoned to appear and testify as in the writ commanded and to produce the books, papers and documents required, and any witness or other person who shall refuse or neglect to appear in obedience thereto, or who shall refuse to be sworn or testify or produce books, papers, documents or other writings demanded shall be guilty of a misdemeanor and upon conviction in any court having jurisdiction of the offense shall be fined not more than $500.00 or sentenced to the county jail not more than six months.

SECTION 32. Any member of the Bar complained of shall have notice and opportunity to defend by the introduction of evidence and the examination of witnesses called against him, and the right to be represented by counsel. He shall also have the right to require the secretary to summon witnesses to appear and testify or produce books, papers, documents or other writings necessary or material to his defense in like manner as above provided for procuring the attendance and testimony of witnesses against him.

SECTION 33. Subpoenas and notices issued by the secretary or by the chairman of any committee at any hearing held under the provisions of this Act shall be delivered to the sheriff of the county where they are to be executed and the sheriff shall serve such writs and notices, or cause them to be served, as he is required to do with respect to writs received by him from courts of record. An officer receiving any writ or notice for execution from another county shall have the right to demand the payment in advance of his fees

which shall be the same as he would be entitled to if the writ or notice in question had been issued from a court of record.

SECTION 34. The Board shall, by rules provided for such purpose and out of the funds herein provided for, arrange for the payment of fees for the summoning of witnesses and the payment of their fees, which fees shall be the same in amount as provided by law in civil cases in the circuit court.

SECTION 35. The Board of Commissioners selected as in Section 4 hereof provided shall within 60 days from the date of its organization meeting call a meeting of the State Bar to be held at the State Capitol on a date not less than 30 days and not more than 60 days from the date of the call. Such call shall be signed by the president and secretary and shall be published as the Board in its order may direct. Every lawyer in the State of Mississippi and admitted to practice in this State shall be entitled to participate in the proceedings at such meeting and to vote on all questions that may come before it. At such meetings the president elected by the Board of Commissioners at the organization meeting shall preside. The association shall elect a president, a first vice-president and a second vice-president for a term of one year, which year shall not be coincident with the year for which members of the Board are elected. The year for which the president and the vice-presidents are elected shall be fixed by the by-laws so as to make such years end at the date that may be adopted for the annual meetings of the association. At such first meeting the association shall adopt by-laws for its government, providing for committees through which the activities of the association will be carried on, fixing the time for annual meetings of the association and of the Board of Commissioners, prescribing the manner in which special meetings of the Board and of the association may be called and held, and covering other proper subjects, such by-laws not to be inconsistent with the provisions of this Act. The president shall not be eligible to succeed himself.

SECTION 36. Section 3713 and Section 3714 of the Mississippi Code, 1930, are hereby repealed.

SECTION 37. This Act shall take effect from and after its passage.

NOTICE TO MEMBERS OF THE MISSISSIPPI STATE BAR

In view of the fact that frequent changes are made in the addresses of the members of the Bar, which causes confusion when the Secretary desires to get in touch with such members, I am requesting that all lawyers, members of the Mississippi State Bar, when any change in their address takes place, immediately notify the Secretary. This is very important and members are urged to comply with the request.

LOUIS M. JIGGITTS,
Secretary Mississippi State Bar.

MEMBERS OF BAR AS TO JUDICIAL DISTRICTS

FIRST JUDICIAL DISTRICT

Adams, M. T., Pontotoc
Adams, W. C., Corinth
Anderson, John R., Tupelo
Anderson, W. D., Tupelo
Benson, Homer F., Fulton
Blair, W. A., Tupelo
Boggan, J. W. P., Tupelo
Bolton, C. R., Tupelo
Bratton, C. A., Pontotoc
Brown, D. W., Fulton
Brown, Jas. M., Fulton
Brown, J. H., Fulton
Buchanan, Frank J., Amory
Clark, T. A., Iuka
Clayton, Claude, Tupelo
Clayton, S. P., Tupelo
Cleveland, Arthur T., Fulton
Cochran, Archer W., Baldwyn
Coleman, J. M., Aberdeen
Conn, W. D., Sr., Corinth
Cox, Allen, Baldwyn
Cox, W. H., Baldwyn
Cox, W. M., Baldwyn
Cunningham, F. W., Booneville
Cunningham, James A., Booneville
Cunningham, J. E., Booneville
Ellis, W. B., Iuka
Finch, J. S., Booneville
Finley, J. A., Tupelo
Fontaine, J. B., Pontotoc
Friday, J. E., Booneville
Gaines, O. T., Iuka
Gober, Curtis A., Iuka
Green, Jess D., Tupelo
Hill, Geo. H., Tupelo
Hill, Geo. H., Jr., Tupelo
Holley, E., Aberdeen
Holmes, G. M., Aberdeen
Houston, D. W., Aberdeen
Houston, D. W., Jr., Aberdeen
Hutchinson, C. B., Tupelo
Inzer, Wm. H., Pontotoc
Johnston, Thos. H., Corinth
Jourdan, J. C., Jr., Iuka
Kier, W. H., Corinth
Lacy, C. W., Booneville
Lacy, Eugene, Booneville
Leake, M. E., Tupelo
Leftwich, Frank S., Aberdeen
Leftwich, G. J., Aberdeen
Long, C. O., Tupelo
Long, C. P., Tupelo
Long, Sam P., Tupelo
Long, S. H., Tupelo
Long, C. P., Jr., Pontotoc
Lumpkin, Sam, Tupelo
Mauldin, B. P., Pontotoc
McFarland, Ben H., Aberdeen
Mitchell, A. M., Pontotoc
Mitchell, Chas. S., Tupelo
Mitchell, Ely, Corinth
Mitchell, Geo. T., Tupelo
Mitchell, Guy W., Tupelo
Monaghan, Noel, Tupelo
Moreland, G. C., Corinth
Paine, Geo. C., Aberdeen
Paine, Tom F., Aberdeen
Pinnix, J. A., Amory

Prude, J. O., Jr., Amory
Pyle, J. A. E., Iuka
Rankin, J. E., Tupelo
Rhine, H. M., Iuka
Sheffield, Isaac L., Fulton
Smith, O. R., Corinth
Stovall, Cary, Corinth
Smith, V. B., Iuka
Stump, D. R., Aberdeen
Sumners, C. L., Corinth
Sutherland, A. L., Booneville
Sweat, N. S., Corinth
Sweat, W. C., Corinth
Thomas, F. G., Tupelo
Thomas, J. M., Tupelo
Tubb, Condie L., Aberdeen
Tubb, T. B., Amory
Windham, E. K., Booneville
Worsham, B. F., Corinth
Wright, C. B., Iuka
Young, M. C., Aberdeen

SECOND JUDICIAL DISTRICT

Adam, C. B., Pass Christian
Adam, E. J., Jr., Pass Christian
Adam, E. J., Sr., Pass Christian
Arrington, Jo Drake, Gulfport
Bacho, Fred, Biloxi
Backstrom, Oscar, Gulfport
Batson, W. C., Wiggins
Bickerstaff, R. O., Gulfport
Bloomfield, H., Gulfport
Broadus, Buren, Wiggins
Brown, Charles Scott, Gulfport
Brown, M. D., Gulfport
Bullard, Wm. D., Pascagoula
Buntin, R. R., Gulfport
Byrd, T. H., Lucedale
Clark, Chas. E., Ocean Springs
Clark, E. A., Ocean Springs
Colmer, Wm. M., Pascagoula
Corban, L. C., Biloxi
Cottrell, David, Jr., Gulfport
Cowan, R. C., Gulfport
Davis, Emory R., Wiggins
Dedeaux, O. J., Gulfport
Dent, J. R., Gulfport
Doty, Lemuel H., Biloxi
Eaton, B. E., Gulfport
Eaton, B. E., Jr., Gulfport
Elmer, F. W., Jr., Biloxi
Estopinal, Wm., Gulfport
Evans, H. H., Gulfport
Everitt, H. B., Pascagoula
Ford, E. J., Pascagoula
Ford, J. I., Pascagoula
Gautier, H. W., Pascagoula
Galloway, J. F., Gulfport
Gardner, Hanun, Gulfport
Genin, R. L., Bay St. Louis
Gex, E. J., Bay St. Louis
Gex, L. M., Bay St. Louis
Gex, W. J., Sr., Bay St. Louis
Gex, W. J., Jr., Bay St. Louis
Goodman, Jack, Biloxi
Graham, D. M., Gulfport
Graham, D. M., Jr., Gulfport
Grant, Leslie B., Biloxi
Greaves, P. D., Gulfport
Griffith, V. A., Gulfport
Guice, W. L., Biloxi
Harrison, B. P., Gulfport
Haydon, Chas. R., Gulfport
Heidelberg, H. P., Pascagoula
Heiss, J. L., Gulfport
Heiss, J. L., Jr., Gulfport
Hewes, Gaston H., Gulfport
Hutto, A. C., Gulfport
Jones, Edward I., Bay St. Louis
Leathers, James A., Gulfport
Lindsay, W. E., Gulfport
Maples, L. W., Gulfport
Marshall, Carl, Gulfport
McGee, Roy J., Biloxi
McInnis, F. S., Moss Point
McIntosh, L. K., Gulfport
Mize, Sidney C., Gulfport
Mize, Webb, Gulfport
Money, G. P., Biloxi
Moore, Wm. T., Gulfport
Morse, Sanford E., Gulfport
Moss, O. F., Lucedale
Murphy, Geo. H., Gulfport, County Judge
Parker, H. H., Lyman
Parker, Urithon B., Wiggins
Ross, J. C., Gulfport
Russell, D. M., Gulfport, Chancellor
Savage, J. W., Gulfport
Simmons, J. U., Gulfport
Smith, Geo. R., Pass Christian
Stennis, J. D., Jr., Biloxi
Stockstill, W. W., Bay St. Louis
Taylor, J. L., Gulfport
Thompson, Robt. W., Jr., Gulfport
Wadlington, Walter, Biloxi
Wallace, R. A., Gulfport
Wallace, W. L., Gulfport
Ward, E. C., Biloxi
Whetstone, J. C., Biloxi
White, T. J., Gulfport
White, W. A., Gulfport, Circuit Judge
White, W. H., Gulfport
Wiggington, R. D., Biloxi
Wood, C. H., Moss Point
Wood, T. A., Gulfport

THIRD JUDICIAL DISTRICT

Abernethy, H. B., Houston
Abernethy, Thos. G., Okolona
Anderson, Dick, Okolona
Anderson, W. H., Ripley
Andrews, Landon C., Oxford
Ayers, S. N., Ripley
Bean, George, Okolona
Beaty, Eliot, Okolona
Belk, Fred M., Holly Springs
Belk, Wm. D., Holly Springs
Busby, Jeff, Houston
Carlton, L. K., New Albany
Cox, Bob, Ripley
Crawford, Marvin, New Albany
Crum, C. L., New Albany
Doxey, Hindman, Holly Springs
Doxey, Wall, Holly Springs
Evans, W. J., Calhoun City
Falkner, J. W. T., Oxford
Fant, Lester G., Holly Springs
Fant, Lester G., Jr., Holly Springs
Featherston, D. M., Holly Springs
Ford, J. H., Houston
Haman, Thos. L., Houston
Hutton, L. C., Oxford
Johnson, J. L., Pittsboro
Knox, B. N., New Albany
Lamar, E. L., Calhoun City
McCraine, C. H., Houston
McElroy, T. H., Oxford
McKenzie, L. T., New Albany or Ashland
Morrison, H. L., Okolona
Oldham, L. E., Oxford
Parker, E., Houston
Patterson, Albert T., Calhoun City
Patterson, Joe T., Calhoun City
Patton, Wright, Oxford
Pegram, T. E., Ripley
Phyfer, Lamar, New Albany
Sanderson, David, Calhoun City
Slough, C. E., Oxford
Smith, E. M., Holly Springs
Smith, Fred B., Ripley
Smith, Lemuel A., Holly Springs
Smith, Lemuel A., Jr., Holly Springs
Starnes, B. F., Slate Springs
Stephens, H. D., New Albany
Stephens, S. M., New Albany
Stone, Jas., Oxford
Stone, Phil, Oxford
Stone, W. E. Oxford
Stovall, A. T., Okolona
Stovall, R. C., Okolona
Street, Orbrey, Ripley
Street, Oscar, Ripley
Williams, R. X., Oxford
Wright, E. C., Holly Springs

FOURTH JUDICIAL DISTRICT

Allen, B. B., Indianola
Allen, Percy, Indianola
Allen, Ward, Greenwood
Anderson, S. V., Greenville
Beams, Eugene, Greenville
Bell, A. H. Greenwood
Bell, Fulton, Greenville
Bell, Percy, Greenville
Bogen, Edward J., Greenville
Bradford, J. W., Itta Bena
Bruce, Arthur, Greenwood
Cantwell, O. S., Sunflower
Carmichael, Benj. B., Greenville
Clark, A. B., Indianola
Clark, E. C., Hollandale
Cohn, Maurice, Swiftown
Colson, J. G.,Greenwood
Cooper, Forrest G., Indianola
Davis, S. F., Indianola, Circuit Judge
Davis, Jeff, Indianola
Denman, R. D., Greenwood
Drake, Carl F., Durant
Everett, Frank E., Indianola
Everitt, Robt. D., Ruleville
Farish, H. P., Greenville
Featherstone, F. M., Indianola
Felts, Holland O., Greenville
Ford, R. C., Greenwood
Gardner, A. F., Greenwood
Gardner, A. F., Jr., Greenwood
Gee, John B., Midnight
Gerald, Eugene, Leland
Guy, T. A., Greenwood
Gwin, Samuel L., Greenwood
Hafter, J. S., Greenville
Hamner, W. M., Greenwood
Harty, Emmet, Greenville
Herring, Lee H., Ruleville
Heslep, W. T., Indianola
Hobbs, W. E., Moorhead
Hughes, J. L., Moorhead
Hughston, E. V., Greenwood
Humphreys, Wm. V., Greenville
Jayne, R. L., Greenville
Johnson, Elbert, Indianola
Johnson, H. H., Lexington
Johnston, Means, Greenwood
Jones, H. F., Belzoni
Jordan, R. A., Greenwood
Kelleer, Ernest L., Greenville
Kimbrough, A. McC., Greenwood
Kimbrough, O. L., Greenwood
Lake, L. A., Jr., Greenville
Lamb, Knox, Greenwood
Lindholm, P. P., Lexington
Love, H. M., Jr., Yazoo City

Lott, W. H., Greenwood
Luckett, I. S., Greenwood
Marsalis, O. M., Drew
McLellan, Miss Pearl, Greenwood
McMorrough, G. H., Lexington
Montgomery, V. B., Belzoni
Montjoy, W. H., Greenwood
Moody, C. C., Indianola
Morehead, Yerger, Greenwood
Morgan, F. R., Morgan City
Mortimer, Jno. A., Belzoni
Mounger, Gilruth, Greenwood
Mounger, H. C., Greenwood
Murphy, C. M., Belzoni
Nason, R. H., Belzoni
Neill, S. D., Indianola
Neill, W. C., Indianola, not practicing
Neilson, E. T., Lexington
North, L. G., Belzoni
Odom, H. T., Greenwood
O'Neil, A. M., Drew
Ormond, S. E., Doddsville
Osborn, S. I., Greenwood
Owen, Lewis F., Belzoni
Pepper, A. M., Lexington
Percy, W. A., Greenville
Petty, M. F., Greenwood
Pierce, M. F., Greenwood
Pollard, R. V., Greenwood
Pollard, R. V., Jr., Greenwood
Price, J. H., Indianola
Price, Zelma W. (Mrs.), Greenville
Ruff, D. T., Lexington
Soloman, Earl, Greenville
Stoner, Alfred, Greenwood
Strauss, D. S., Greenville
Sumrall, N. W., Belzoni
Taylor, Nelson E., Greenwood
Taylor, Wm. F., Drew
Thomas, Earl T., Indianola
Thomas, S. B., Greenville
Thompson, W. S., Greenville
Toombs, Wm. Ray, Greenville
Townsend, Oscar B., Indianola
Trigg, B. C., Greenville
Turnage, A. H., Greenville
Tyson, J. A., Greenwood
Vardaman, Wm. S., Greenwood
Wade, Chas., Greenville
Waits, Hilton, Leland
Wasson, B. F., Greenville
Watson, Lamar, Greenville
Watson, W. Scott, Greenville
White, H. Edwin, Lexington
Whittington, William M., Greenwood
Wilczin, Manard, Greenville
Wiley, O. E., Ruleville
Wilkes, W. Ben, Greenville
Williams, J. L., Indianola, Chancellor
Williams, Parham H., Lexington
Williams, Mrs. Parham H., Lexington
Witty, F. M., Greenwood
Womack, W. D., Belzoni
Wynn, Wm. T., Greenville

FIFTH JUDICIAL DISTRICT

Allen, J. F., Kosciusko
Allen, Joe Frank, Kosciusko
Boydstun, R. W., Louisville
Brantley, Z. A., Louisville
Carballo, J. L., Kosciusko
Carothers, A. M., Grenada
Coleman, Jerry, Vaiden
Conger, J. W., Winona
Crawley, D. E., Kosciusko
Crawley, James T., Jr., Kosciusko
Davis, James L., Jr., Louisville
Day, Icey W., Kosciusko
Doty, Walter S. P., Grenada
Eudy, J. E., Eupora
Ford, A. L., Ackerman
Glass, D. H., Kosciusko
Gully, J. B., Louisville
Guyton, J. D., Kosciusko
Guyton, T. P., Kosciusko
Hopkins, Thos. G., Louisville
Horton, Cowles, Grenada
Horton, Roberson, Winona
Jones, R. O., Louisville
Knox, W. T., Winona
Land, T., Kosciusko
Landrum, Ralph, Kosciusko
Landrum, Scott, Kosciusko
Latham, L. F., Eupora
Lauderdale, J. W., Grenada
Leonard, H. T., Kosciusko
Livingston, Edw. M., Louisville
Love, John Clark, Kosciusko
McCully, H. E., Louisville
McKeigney, A. F., Eupora
Miller, J. Wesley, Kosciusko
Mims, S. C., Jr., Grenada
Mitchell, W. M., Grenada
Morgan, C. E., Kosciusko
Nason, Robt. E., Ackerman
Prisock, Neal, Louisville
Reich, Frank L., Louisville
Roane, A. G., Grenada
Rodgers, Henry L., Louisville
Rowe, V. D., Winona
Savage, James S., Ackerman
Scott, T. W., Eupora
Smythe, J. G., Kosciusko
Smythe, J. G., Jr. Kosciusko
Strong, W. A., Jr., Louisville
Turner, S. E., Carrolton
Yewell, T. O., Carrolton

SIXTH JUDICIAL DISTRICT

Bennett, R. E., Meadville
Bramlette, David Clay, Woodville
Brandon, Gerard, Natchez
Brandon, G. H., Natchez
Brandon, J. M., Natchez
Brown, Jos. E., Natchez
Byrnes, C. F., Natchez
Catchings, O. W., Woodville
Corban, R. L., Fayette
Corban, R. L., Jr., Fayette
Cowart, C. F., Meadville
Easterling, W. R., Fayette
Engle, C. F., Natchez
Fleming, Jas. S., Jr., Natchez
Geisenberger, W. A., Natchez
Gordon, C. T., Liberty
Griffing, D. Q., Bude
Griffing, Homer B., Bude
Gwin, Lucien C., Natchez
Jones, A. H., Woodville
Kennedy, L. T., Natchez
Kruse, H. A., Natchez
Laub, S. B., Natchez
Leak, H. C., Woodville
Logan, W. E., Natchez
Lowrey, J. T., Gloster
Martin, W. C., Natchez
McGehee, D. R., Meadville
McGehee, W. H., Bude
Patterson, C. F., Natchez
Ratcliff, E. H., Natchez
Ratcliff, Lee, Natchez
Stockett, Peter M., Woodville
Stockett, W. J., Woodville
Torey, J. E., Fayette, inactive
Torray, Jas. A., Meadville
Torrey, V. H., Meadville
Truly, E. G., Fayette
Truly, Jeff, Fayette
Tucker, C. B., Woodville
Tucker, W. F., Woodville
Upton, Joe, Gloster
Whittington, E. O., Liberty
Whittington, L. A., Natchez

SEVENTH JUDICIAL DISTRICT

Adams, L. M., Jackson
Alexander, H. Chalmers, Jackson
Alexander, James A., Jackson
Alexander, Julian P., Jackson
Alford, S. M., Jackson
Anderson, W. D., Jackson
Arbuthnot, J. P., Jackson
Arnold, Roy, Jackson
Arthur, C. J., Jackson
Avery, Ralph B., Jackson
Barbour, J. F., Yazoo City
Barbour, J. S., Jackson
Barnett, Ross R., Jackson
Bilbo, T. G., Jackson
Boone, R. M., Jr., Jackson
Bradshaw, F. W., Jackson
Brady, B. M., Jackson
Bratton, Nettie H., Jackson
Bratton, Thos. S., Jackson
Bridgforth, Allen, Yazoo City
Broom, S. C., Jackson
Brown, Jas. T., Jackson
Brown, Miss Lucille, Jackson
Brumby, J. H., Jackson
Bryan, Harry M., Jackson
Bryant, Clifford, Jackson
Burkett, John G., Jackson
Burnaman, C. Frederic, Jackson
Burns, R., Jr., Brandon
Butler, Geo. H., Jackson
Byrd, J. L., Jackson
Calhoun, L. J., Jackson
Campbell, Chas. S., Jackson
Campbell, T. H., Yazoo City
Campbell, T. H., Jr., Yazoo City
Campbell, Virginia Ruth, Yazoo City
Capers, W. W., Jackson
Case, C. C., Jackson
Chambers, Paul, Jackson
Cheney, Reynolds S., Jackson
Cochran, Louis, Jackson
Collins, R. W., Jackson
Conn, W. D., Jr., Jackson
Conner, M. S., Jackson
Cornfield, Fishel, Jackson
Cox, Wm. H., Jackson
Creekmore, H. H., Jackson
Creekmore, Wade H., Jackson
Creekmore, Rufus, Jackson
Crenshaw, Allen, Jackson
Crisler, Bert, Jackson
Dailey, Louis I., Jackson
Darden, R. A., Jackson
Davis, W. H., Jackson
Denny, W. M., Jackson
Deck, W. I., Jackson
Dent, A. Walter, Jackson
Devitt, N. C., Jackson
Dinsmore, R. R., Jackson
Dunn, Miss Allee, Jackson
Dunning, F. S., Canton
Eager, P. H., Jr., Jackson
Easterling, Lamar F., Jackson
Enochs, De Witt, Jackson
Enochs, J. L., Jr., Jackson
Ethridge, Geo. H., Jackson
Falkner, M. C., Jackson
Flowers, J. N., Jackson
Flowers, Oscar H., Jackson
Floyd, C. N., Flora

Floyd, Earle N., Jackson
Fontaine, W. B., Jackson
Foot, A. K., Canton
Forman, J. M., Jackson
Fountain, D. G., Jackson
Fox, Jno. H., Jackson
Fulgham, H. McK., Jackson
Franklin, J. E., Jackson
Franklin, J. B., Jackson
Franck, Mrs. Ruth, Jackson
Garner, C. W., Jackson
Gillespie, H. B., Raymond
Gober, O. P., Jackson
Greaves, C. B., Flora
Greaves, H. B., Canton
Green, Garner W., Jr., Jackson
Green, Garner Wynn, Jackson
Green, J. W., Jackson
Green, Marcellus, Jackson
Green, Marcellus Calhoon, Jackson
Greer, Winnie, Jackson
Gore, W. E., Jackson
Harriston, J. M., Jackson
Hallam, L. C., Jackson
Hamilton, Geo. S., Jackson
Hardy, R. R., Jackson
Harper, A. Y., Jackson
Hauberg, Robt. E., Jackson
Hemingway, Wm., Jackson
Hendrick, Leon F., Jackson
Hendrix, Thos. D., Jackson
Henry, W. A., Yazoo City
Herring, Geo. B., Canton
Hester, C. L., Jackson
Hilton, R. T., Jackson
Hilzim, Harrington, Jackson
Hindman, E. E., Jackson
Holden, H. Cassedy, Jackson
Holloway, Chas. D., Jackson
Holmes, E. R., Sr., Yazoo City, Federal Judge
Holmes, J. G., Yazoo City
Holmes, E. R., Jr., Jackson
Horan, Leo, Jackson
Horne, F. R., Jackson
Horton, Wm. T., Jackson
Howie, J. H., Jackson
Howie, Joseph, Jackson
Howie, Virgil, Jackson
Howorth, Jos. M., Jackson
Howorth, Lucy, Somerville
Huber, H. T., Canton
Huey, R. M., Jackson
Hughes, W. H., Jackson
Inman, C. E., Jackson
Jaap, C. O., Jackson
Jackson, F. B., Jackson
Jiggitts, Louis M., Jackson
Jones, Ernest P., Jackson
Jones, L. B., Jackson
Jones, P. Z., Jackson
Kenna, E. D., Jackson
Knox, R. H., Jackson
Laseter, C. I., Jackson
Laseter, Sam E., Jackson
Lauderdale, J. A., Jackson
Leach, H. B., Jackson
Lindsay, Winston S., Jackson
Lipscomb, Hubert, Jackson
Logan, John L., Jackson
Longino, A. H., Jackson
Lotterhos, F. J., Jackson
Lyell, G. Garland, Jackson
Manship, L., Jackson
May, Geo. W., Jackson
May, L. P., Jackson
Mayes, F. L., Jackson
Mayes, L. L., Jackson
McClendon, B. B., Jackson
McCool, D. C., Canton
McGowan, M. M., Jackson
McGowen, Hardy R., Jackson
McLaurin, A. J., Jackson
Melton, Clara, Jackson
Melton, Louise, Jackson
Mhoon, W. L., Jackson
Mobley, R. T., Jackson
Montgomery, M. B., Yazoo City
Morse, Wm. Eugene, Jackson
Moseley, Niles, Jackson
Nelson, A. M., Jackson
Newman, W. R., Jr., Jackson
Nichols, W. B., Jackson
Nobles, G. R., Jackson
Norquist, Rayner R., Yazoo City
Nunnery, Herbert, Jackson
Palmer, Eugene, Jackson
Peirce, Whitfield, Jackson
Penix, Jos. Hudson, Jackson
Peyton, F. Lewis, Jackson
Phillips, Robt. P., Jackson
Pierce, Wentworth W., Jackson
Pilgrim, M. A., Jackson
Posey, L. L., Jackson
Potter, Chalmers, Jackson
Potter, W. H., Jackson
Powell, Robert H., Canton
Powell, Sid, Canton
Powell, W. H., Canton
Power, George B., Jackson
Ratliff, P. D., Raymond
Ray, Tip, Canton
Redmond, S. D., Jackson
Rhodes, John Sivley, Jackson
Rice, Greek L., Jackson
Ricketts, Robt. B., Jackson
Ridgeway, Chas. R., Jr., Jackson
Robertson, Stokes V., Jackson
Roberts, C. B., Jackson
Rosenthal, Simon, Jackson
Russell, Lee M., Jackson
Sanders, J. O. S., Jackson
Sanders, J. O. S., Jr., Jackson
Satterfield, J. C., Jackson
Scott, Charlie, Jackson
Scott, Frank T., Jackson

Scott, Walter A., Jr., Jackson
Searcy, W. P., Jackson
Seibert, E. C., Jackson
Sharp, E. C., Jackson
Shaw, Geo. E., Jackson
Shelton, Ernest L., Jackson
Sheldon, Julia, Jackson
Shipman, W. A., Jackson
Smith, L. O., Jackson
Smith, Sydney, Jackson
Snow, Chas. B., Jackson
Snowden, Grady, Jackson
Snyder, W. M., Jackson
Spivey, L. G., Canton
Spivey, R. E., Canton
Stennett, E. W., Jackson
Stevens, J. M., Jackson
Stevens, J. Morgan, Jr., Jackson
Stirling, Carter, Jackson
Stirling, J. B., Jackson
Streit, Robt. S., Jackson
Stricker, V. J., Jackson
Taylor, O. B., Jackson
Teat, G. L., Jackson
Terry, Robt. B., Jackson
Thompson, Allen, Jackson
Thompson, Fulton, Jackson
Thompson, J., Jackson
Thompson, J. H., Jackson
Thompson, R. H., Jackson
Thompson, R. H., Jr., Jackson
Todd, E. B., Jackson
Travis, Cecil, Jackson
Trenholm, Edw. L., Jackson
Von Bloomberg, A. J., Jackson
Watkins, H. V., Jackson
Watkins, W. H., Jackson
Watkins, Wm. H., Jr., Jackson
Watson, J. R., Jackson
Wells, W. C., Jackson
Wells, W. Calvin, Jr., Jackson
Wells, W. Calvin, III., Jackson
Wells, Will S., Jackson
White, J. P., Canton
Whitfield, Garland Q., Jackson
Wooten, R. G., Jackson
Sykes, John A., Jackson
Sewell, Brown L., Jackson
Williams, C. D., Yazoo City
Williams, M. Ney, Raymond
Wilson, J. C., Jackson
Wise, Louis J., Yazoo City

EIGHTH JUDICIAL DISTRICT

Amis, A. B., Jr., Newton
Anderson, D. M., Newton
Banks, Geo. H., Newton
Bayless, H. L., Jr., Union
Barnett, H. C., Carthage
Barnett, O. H., Jr., Carthage
Barnett, Tom J., Carthage
Blackburn, D., Conehatta
Byrd, J. L., Newton
Byrd, W. A., Newton
Carr, J. D., Newton
Carr, J. M., Newton
Carr, J. V., Decatur
Cooper, A. W., Forest
Cooper, S. B., Philadelphia
Coursey, B. F., Decatur
Day, R. H., Decatur
Dudley, Colbert, Forest
East, J. R., Brandon
Ellis, W. A., Carthage
Everett, W. M., Hickory
Gillis, J. K., Philadelphia
Gipson, J. R., Philadelphia
Goldin, H. C., Walnut Grove
Hillman, J. B., Philadelphia
Huff, J. Knox, Forest
Hunter, J. I., Jr., Union
James, W. W., Newton
Johnson, C. E., Union
Johnson, W. A., Newton
Kent, Jeff, Forest
Leach, F. E., Carthage
Lee, Percy M., Forest
Long, L. H., Newton
Majure, R. S., Newton
McCaskill, H. L., Brandon
McCraw, A. B., Philadelphia
McIntyre, W. E., Brandon
McLaurin, S. L., Brandon
Mize, F. F., Forest
Munn, W. I., Newton
Murray, J. C., Brandon
Nichols, R. L., Forest
Richardson, E. S., Philadelphia
Roebuck, L. A., Newton
Roebuck, S. T., Newton
Sanford, W. H., Jr., Philadelphia
Scott, J. M., Carthage
Singleton, Otho R., Forest
Stamper, H. G., Union
Stribling, Dees, Philadelphia
Stribling, Jim, Philadelphia
Triplett, O. B., Forest
Triplett, O. B., Jr., Forest
Wadsworth, J. M., Forest
Wall, E. R., Newton
Walker, R. B., Carthage
Warwick, A. M., Carthage
Weir, W. T., Walnut Grove
Wilson, J. C., Philadelphia

NINTH JUDICIAL DISTRICT

Anderson, R. B., Port Gibson
Armistead, A. A., Vicksburg
Barbour, C. C., Vicksburg, inactive
Bonelli, Albert M., Vicksburg
Brien, E. L., Vicksburg, Circuit Judge
Brown, A. L., Rolling Fork
Brunini, Alexander J., Vicksburg
Brunini, J. B., Vicksburg
Canizaro, Jack, Vicksburg
Canizaro, P. C., Vicksburg
Chaney, A. A., Vicksburg
Clements, W. H., Rolling Fork
Collier, J. W., Vicksburg
Culkin, J. H., Vicksburg
Dabney, F. Y., Vicksburg
Dabney, J. B., Vicksburg
Dabney, L. B., Vicksburg
Dabney, Moncure, Vicksburg
Davis, E. W., Port Gibson
Dent, R. L., Vicksburg
Dent, R. L., Jr., Vicksburg
Drake, J. T., Port Gibson
Ewing, T. G., Jr., Vicksburg
Feld, N. B., Vicksburg
Felner, Sol, Vicksburg
Good, V. W., Vicksburg
Henry, Pat, Vicksburg
Henry, Pat, Jr., Vicksburg
Hirsch, J. K., Vicksburg
Joor, J. S., Jr., Rolling Fork
Katzenmeyer, C. Leonard, Vicksburg
Kelly, R. M., Vicksburg
Larr, G. L., Jr., Vicksburg
Lawrence, T. J., Rolling Fork
McCabe, H. C., Jr., Vicksburg
McKay, Wm. I., Vicksburg
Marray, Harry K., Vicksburg
Nelson, Leonard E., Vicksburg
O'Neill, John J., Vicksburg
Ramsey, W. W., Vicksburg
Robbins, N. V., Vicksburg
Satterfield, Milling M., Port Gibson
Scudder, E. N., Mayersville
Short, Joseph H., Vicksburg
Smith, Rundle, Vicksburg
Teller, Landman, Vicksburg
Thames, J. D., Vicksburg
Thames, J. D., Jr., Vicksburg
Thigpen, C. W., Vicksburg, City Judge
Vollor, W. J., Jr., Vicksburg
Watson, G. S., Port Gibson
Weil, Karl, Port Gibson
Wright, F. L., Rolling Fork

TENTH JUDICIAL DISTRICT

Adams, J. L., Quitman
Adams, B. C., Quitman
Alderman, J. E., Leakesville
Amis, A. B., Jr., Meridian, Chancellor
Amis, Marshall W., Meridian
Backstrom, J. W., Leakesville
Bailey, T. L., Meridian
Batson, Alpheus, Bothwell
Baskin, W. E., Meridian
Bourdeaux, R. M., Meridian
Bonney, Carroll F., Enterprise
Bozeman, Albert S., Jr., Meridian
Bozeman, A. S., Meridian
Brahan, F. V., Meridian
Breland, E. W., Leakesville
Broach, Walker, Jr., Meridian
Broadway, L. J., Meridian
Brooks, Akin, Meridian
Buckley, Jno. L., Enterprise
Buckley, J. Emmett, Enterprise
Buffington, J. V., Meridian
Busby, A. G., Waynesboro
Butler, Jno. Sharp, Quitman
Byrd, A. M., Meridian, County Judge
Byrd, J. M., Leakesville
Cameron, Ben F., Meridian
Cameron, Chas. B., Meridian
Case, H. F., Quitman
Churchwell, W. C., Leakesville
Clark, Frank, Waynesboro
Clark, G. C., Waynesboro
Clayton, W. L., Meridian
Cooper, R. D., Meridian
Covington, A. W., Quitman
Covington, J. A., Jr., Meridian
Currie, J. H., Meridian
Davis, W. S., Waynesboro
Dear, H. C., Enterprise
Dial, E. H., Meridian
Duncan, B. A., Meridian
Dunn, A. C., Meridian
Dunn, C. C., Meridian
Dunn, Edwin A., Meridian
Dunn, J. L., Meridian, not practicing
Dunn, J. Thomas, Meridian
Dwyer, Francis B., Meridian
Edwards, W. M., Shubuta
Ethridge, Eugene B., Meridian
Ethridge, F. K., Meridian
Estes, Wm. M., Enterprise
Fatheree, J. D., Quitman, Circuit Judge
Fewell, Will, Meridian, not practicing
Floyd, J. C., Meridian
Gilbert, Colin O., Winchester
Gilbert, V. W., Meridian
Gillespie, R. G., Meridian
Gipson, J. V., Meridian
Graham, S. M., Meridian
Graham, J. H., Meridian

Harwell, J. D., Quitman
Harwell, J. M., Meridian
Heidelberg, D. W., Shubuta
Heidelburg, M. L., Waynesboro
Holmes, D. B., Jr., Meridian
Holmes, R. M., Meridian
Hutto, W. M. Waynesboro
Jacobson, Gabe, Meridian
Johnson, C. C., Meridian
Jones, C. J., Waynesboro
Jones, W. V., Waynesboro
Latham, W. F., Quitman
Lipscomb, L. P., Meridian
LeBrano, J. R., Meridian
Mahon, H. K., Jr., Meridian
Mattox, Phillis, Meridian
Mayo, J. G., Meridian
Miller, C. C., Meridian
Miller, H. L., Quitman
Miller, M. V. B., Meridian
Morrison, E. T., Leakesville
Nettles, S. R., Meridian
Neville, G. B., Meridian
Parker, Jas. E., Meridian
Philips, Casper C., Meridian
Reiley, Marion W., Meridian
Richardson, F. E., Meridian
Rush, Roy (M. L.), Meridian
Sams, J. O., Meridian
Sams, W. C., Meridian
Saxon, J. B., Waynesboro
Saxon, O. E., Waynesboro
Seale, J. Eugene, Jr., Meridian
Shirley, J. E., Quitman
Shields, C. S., Meridian
Shotts, H. A., Meridian
Snow, E. L., Meridian
Stone, H. R., Sr., Meridian
Stone, H. R., Jr., Meridian
Taylor, D. M., Waynesboro
Temple, W. F., Meridian
Thomas, Pat, Leakesville
Travis, J. Madison, Meridian
Wallace, Robt. R., Meridian
Westbrook, C. H., Jr., Meridian
Wilbourn, R. E., Meridian
Williams, E. B., Meridian
Williamson, N. S., Meridian
Wills, L. E., Meridian
Witherspoon, Gibson, Meridian
Witherspoon, S. A., Meridian
Wright, C. M., Meridian
Wright, Russell, Meridian

ELEVENTH JUDICIAL DISTRICT

Adams, J. J., Clarksdale
Adams, J. J., Jr., Clarksdale
Alcorn, W. A., Jr., Clarksdale
Alexander, W. B., Jr., Boyle
Allen, T. D., Jr., Shaw
Allen, N. R., Shaw
Bankston, W. L., Tunica
Bell, James W., Jr., Tunica
Black, E. C., Marks
Boone, E. E., Marks
Brett, M. D., Marks
Brewer, Earl, Clarksdale
Brewer, Ed. C., Clarksdale
Brocato, V. J., Clarksdale
Brooks, J. M., Clarksdale
Brooks, R. D., Clarksdale
Canon, L. C., Tunica
Carney, K. A., Clarksdale
Causey, H. F., Cleveland
Childs, Earl, Shelby
Clark, Fred, Cleveland
Cook, Sam, Jr., Clarksdale
Cook, John H., Clarksdale
Cox, W. A., Marks
Craggs, C. J., Cleveland
Crisler, J. Dunton, Clarksdale
Crisler, John W., Clarksdale
Crump, C. H., Cleveland
Denton, M. E., Marks
Denton, P. L., Marks
Dulaney, J. W., Tunica
Dye, Bradford, Clarksdale
Elmore, H. H., Cleveland
Engleberg, N. N., Cleveland
Fitzgerald, G., Clarksdale
Frazier, T. A., Clarksdale
Garner, M., Tunica
Gibert, J. M., Cleveland
Gore, T. N., Marks
Green, B. A., Mound Bayou
Green, E. H., Cleveland,
County Attorney
Gee, W. F., Clarksdale
Harris, L. L., Tunica
Henderson, J. W., Tunica
Hopkins, Jos. W., Clarksdale
Jackson, Robt. E., Cleveland,
Chancery Judge
Jaquess, C. A., Tunica
Jones, F. E., Jr., Merigold
Kaufman, M. L., Rosedale
Kirby, R. H., Clarksdale
Longino, C. S., Clarksdale
Lowe, J. T., Tunica
Lowry, M. P., Marks
Lowrey, P. H., Marks
Luckett, Semmes, Clarksdale
Magruder, J. D., Tunica
Maynard, G. F., Clarksdale
Maynard, G. F., Jr., Clarksdale
Maynard, Wm. H., Clarksdale
Miller, Leighton S., Clarksdale
Miller, W. B., Clarksdale
Millsaps, W. W., Cleveland

Montgomery, Sam, Cleveland
O'Neal, J. H., Clarksdale
Pace, Courtney C., Pace
Pogue, A. A., Marks
Roberts, J. C., Cleveland
Roberts, W. B., Rosedale
Rice, Greek P., Clarksdale
Ritchy, G. P., Tunica
Roberson, J. Lake, Clarksdale
Roberts, W. C., Rosedale
Ross, Tom T., Clarksdale
Rylee, Willie Yates, Clarksdale
Sack, Lester, Clarksdale
Shands, A. W., Cleveland
Shands, Dugas, Cleveland
Shelton, Tom, Lambert
Sillers, Walter, Jr., Rosedale
Simmons, W. W., Cleveland
Schmitt, Wm. A., Clarksdale
Smith, B. J., Clarksdale (colored)
Smith, Edw. W., Clarksdale
Smith, John T., Cleveland
Somerville, A. D., Cleveland
Somerville, Robt. N., Cleveland
Sparkman, A. B., Cleveland
Stone, J. D., Lambert
Stone, V. D., Lambert
Talbot, J. M., Clarksdale
Taylor, W. W., Shelby
Todd, H. D., Cleveland
Valentine, Carmon E., Cleveland
Valentine, A. F., Rosedale
Venable, W. W., Clarksdale
Walker, J. C., Shaw
Whittington, E. F., Clarksdale
Williams, G. E., Clarksdale
Woollard, P. B., Cleveland
Wynne, Frank, Merigold
Yerger, E. M., Clarksdale

TWELFTH JUDICIAL DISTRICT

Anderson, Cephus, Hattiesburg
Anderson, G. D., Hattiesburg
Beard, W. A., Jr., Laurel
Berry, S. B., Hattiesburg
Bishop, R. J., Hattiesburg
Boyd, M. W., Laurel
Buchanan, Harry, Hattiesburg
Buchanan, Jas. R., Laurel
Bullard, R. L., Hattiesburg
Bush, F. H., Laurel
Campbell, J. Edwin, Laurel
Carter, B. F., Laurel
Chappell, Bernard L., Hattiesburg
Clark, Lester, Hattiesburg
Collins, F. B., Laurel
Collins, Floyd O., Laurel
Collins, Jeff, Laurel
Cooley, D. B., Laurel
Conner, Dudley W., Hattiesburg
Cook, W. H., Hattiesburg
Cooper, E. B., Laurel
Coughlin, Jas. E., Hattiesburg
Currie, D. T., Hattiesburg
Currie, E. A., Hattiesburg
Currie, E. J., Jr., Hattiesburg
Currie, George W., Hattiesburg
Currie, N. T., Hattiesburg
Dale, T. Price, Hattiesburg
Davis, J. E., Hattiesburg
Deavours, Jack, Laurel
Deavours, Stone, Laurel
Draughn, D. W., Hattiesburg
Easterling, Albert E., Laurel
Evans, C. C., Laurel
Finch, Henry L., Laurel
Fishel, E. C., Hattiesburg
Fuller, Henry H., Laurel
Grantham, Levi, Hattiesburg
Hall, R. S., Hattiesburg
Hall, S. A., Hattiesburg
Hannah, T. C., Hattiesburg
Harmon, Francis S., Hattiesburg
Haralson, Wm., Hattiesburg
Hathorne, F. C., Hattiesburg
Hays, Mrs. Chas. M., Hattiesburg
Hearst, A. A., Hattiesburg
Heidelberg, R. W., Hattiesburg
Hennington, L., Hattiesburg
Hilbun, Henry, Laurel
Hilbun, Henry, Jr., Laurel
Hill, C. E., Hattiesburg
Holmes, D. W., Hattiesburg
Hosey, G. W., Laurel
Hunt, F. M., Hattiesburg
Johnson, Paul, Hattiesburg
Katz, Andrew, Hattiesburg
Kelly, A. F., Hattiesburg
Koonce, Pat, Hattiesburg
Luper, O. C., Hattiesburg
Mayo, James G., Laurel
Melvin, Leonard B., Laurel
Montgomery, Goode, Laurel
Montgomery, Holt, Laurel
Morris, F. M., Hattiesburg
Noble, Roy P., Laurel
Pack, W. J., Laurel
Pack, W. J., Jr., Laurel
Pittman, Claude F., Hattiesburg
Pittman, Homer, Hattiesburg
Porter, M. B., Mosell
Roberts, M. M., Hattiesburg
Ross, H. E., Jr., Laurel
Ross, Quitman, Laurel
Saul, L. K., Ellisville
Schauber, A. B., Laurel
Scott, A. S., Laurel
Shannon, Chas. R., Laurel
Simrall, James, Jr., Hattiesburg

Smith, C. C., Richton
Smith, J. C., Laurel
Smith, Luther A., Hattiesburg
Stevens, Ben, Hattiesburg
Stevens, H. S., Hattiesburg
Stennis, J. P., Hattiesburg
Street, C. S., Laurel
Sullivan, C. W., Hattiesburg
Sullivan, Harris, Hattiesburg
Tally, J. R., Hattiesburg
Taylor, J. T., Ellisville
Travis, J. Kearney, Hattiesburg
Travis, S. E., Hattiesburg
Walker, Ray, Laurel
Waller, Ruth, Hattiesburg
Watkins, D. M., Hattiesburg
Watkins, A. T. L., New Augusta
Welch, James Tracey, Laurel
Welch, W. S., Laurel
Williams, Frank, Mosell
Wills, T. J., Hattiesburg
Wilson, T. W., Laurel
Wingo, Earle, Hattiesburg
Young, H. D., New Augusta

THIRTEENTH JUDICIAL DISTRICT

Bishop, J. B., Pinola
Brown, G. N., Bay Springs
Calhoun, Edwin L., Mount Olive
Corley, W. U., Collins
Cranford, T. W., Jr., Seminary
Cranford, W. L., Seminary
Currie, Homer, Raleigh
Dent, E. L., Collins
Edwards, A. K., Mendenhall
Edwards, A. M., Mendenhall
Edwards, J. P., Mendenhall
Floyd, L. R., Magee
Gandy, George, Collins
Hilton, W. D., Mendenhall
Kennedy, Heber, Magee
King, Bee, Mendenhall
Lane, E. M., Raleigh
Little, S. V., Mize
Lofton, W. Milford, Mendenhall
Martin, J. D., Raleigh
McFarland, J. A., Bay Springs
McIntosh, D. A., Collins
McIntosh, H. M., Collins
McIntosh, Tarver, Collins
McLaurin, Carroll J., Raleigh
McLeod, D. A., Mount Olive
McRaney, A. W., Magee
Merrell, G. H., Collins
Miller, S. D., Raleigh
Moss, Jos. H., Raleigh
Oates, O. M., Bay Springs
Parker, S. R., Taylorsville
Russell, R. C., Magee
Sykes, Burbon, Mendenhall
Tew, W. A., Mount Olive
Thompson, J. L., Bay Springs
Tullos, L. V., Raleigh
Tullos, R. S., Raleigh
Weathersby, O. O., Taylorsville
Wells, James M., Magee
Whitman, Sam, Bay Springs

FOURTEENTH JUDICIAL DISTRICT

Alford, J. M., Tylertown
Arrington, R. O., Crystal Springs
Barlow, E. C., Brookhaven
Berryman, J. H., Crystal Springs
Boothe, W. E., Brookhaven
Brady, T., Jr., Brookhaven
Brady, Thomas Pickens, Brookhaven
Brennan, E. F., Jr., Brookhaven
Brewer, George W., McComb, inactive
Cassedy, J. W., Brookhaven
Cassedy, W. P., Brookhaven, inactive
Cassidy, J. J., McComb
Cohn, A. A., Brookhaven
Cutrer, R. W., Magnolia, Chancellor
Davis, J. E., McComb
Dean, H., Brookhaven
Felder, Luther W., McComb
Garth, J. Hunter, Hazelhurst
Grice, L. E., Crystal Springs
Guynes, J. F., Hazelhurst
Hayes, Geo. L., Wesson
Henley, W. S., Hazelhurst
Hewitt, F. D., McComb
Hobbs, H. W., Brookhaven
Hunt, Mrs. Nell W., McComb
Hutchinson, J. T., Summit
Jackson, Wm. J., McComb
Jones, R. L., Brookhaven
Kemp, Carol, Hazelhurst
King, Benjamin, Hazelhurst
Lewis, Mrs. E. M., Hazelhurst
Lewis, Mrs. Ida Lou, Hazelhurst
McGehee, L. H., McComb
McLain, W. G., McComb
McNair, J. W., Brookhaven, inactive
McNeil, M. S., Hazelhurst
Miller, D. M., Hazelhurst
Miller, H. B., Hazelhurst
Millsaps, R. W., Hazelhurst
Mitchell, Thomas, Magnolia
Noble, J. F., Brookhaven
Norton, W. R., Brookhaven, inactive
Ogden, J. N., Magnolia
Parsons, W. A., Summit

Price, J. H., Magnolia
Price, J. H., Jr., Magnolia
Price, K. G., McComb
Reeves, R. B., McComb
Riddell, J. A., Meridian
Roach, J. Gordon, McComb
Robertson, W. W., Wesson, inactive
Roberts, H. B., Fernwood
Roby, V. M., Tylertown
Salter, S. G., Hazelhurst
Sauls, Edward B., Jr., Brookhaven
Simmons, E. J., Magnolia, Circuit Judge
Simmons, E. J., Jr., Magnolia
Smylie, J. A., Crystal Springs

FIFTEENTH JUDICIAL DISTRICT

Alexander, M. L., Picayune
Arrington, Jno. H., Monticello
Berry, O. L., New Hebron
Bridges, L. C., Purvis
Broadus, A. Q., Purvis
Bush, Fred M., New Hebron
Colbert, Ford, Columbia
Coleman, Edward F., Purvis
Cooper, J. E., Purvis
Conner, Claude E., Columbia
Dale, R. H., Columbia
Dale, Sebe, Columbia
Davis, T. B., Columbia
Davis, T. W., Jr., Purvis
Davis, T. W., Sr., Purvis
Ford, R. D., Columbia
Foxworth, C. R., Columbia
Garraway, J. T., Purvis
Gibson, C. E., Monticello
Goss, B. J., Columbia
Goss, Roy J., Columbia
Hall, Lee D., Columbia
Hall, Toxey, Columbia
Hammond, Kelly J., Columbia
Hathorn, C. V., Columbia
Hatten, W. J., Sumrall
Keaton, Grayson B., Picayune
Langston, J. Q., Columbia
Lee, W. J., Jr., Prentiss
Livingston, W. H., Prentiss
Locke, Leopold, Poplarville
Magee, G. W., Monticello
Mayfield, J. B., Poplarville
McGehee, E. H., Columbia
Milloy, G., Prentiss
Monger, Breed Oliver, Columbia
Morse, J. M., Poplarville
Mounger, Henry, Columbia
Parker, H. H., Poplarville
Patterson, E. B., Monticello
Patterson, H. J., Monticello
Rawls, H. C., Columbia
Scarborough, C. P., Sumrall
Shanks, J. W., Sumrall
Shivers, J. C., Poplarville
Smith, J. I., Monticello
Stein, R. E., Picayune
Stockstill, J. E., Picayune
Street, John C., Poplarville
Sylverstein, B. S., Columbia
Thompson, C. E., Prentiss
Weaver, T. J., Picayune
Williams, E. B., Poplarville
Williamson, T. L., Purvis
Yeager, J. A., Lumberton

SIXTEENTH JUDICIAL DISTRICT

Anderson, Chas., Columbus
Bell, B. F., Starkville
Britton, E. H., Macon
Brown, L. W., Starkville
Burgin, D. A., Columbus
Bush, E. T., Jr., Macon
Butts, Dr. A. B., State College
Caradine, J. E., West Point
Clark, Jno. A., DeKalb
Critz, Frank A., West Point
Daniel, G. O., Starkville
Davis, D. P., DeKalb
Daws, J. H., DeKalb
Downs, A. B., Columbus
Ethridge, W. N., West Point
Frierson, John F., Columbus
Garnett, C. L., Columbus
Greene, John D., Jr., Starkville
Hamlin, Jas. E., West Point
Hairston, Brown, Crawford
Hartley, T. A., Starkville
Hibbler, Stacy G., West Point
Holloman, John H., Columbus
Jack, E. E., Scooba
Lewis, T. W., Columbus
Lincoln, B. A., Columbus
Lincoln, C. L., Columbus
Loving, B. H., West Point
Loving, J. W., Columbus
Lucas, W. B., Macon
Magruder, A. F., Starkville
Magruder, W. W., Starkville
Malone, N. H., West Point
Martin, L. L., Macon
McClellan, Thompson, West Point
McIntyre, A. J., West Point
McIntyre, E. S., West Point
Owen, F. C., Columbus

Patty, E. C., Macon
Phillips, John A., Macon
Rice, Jos. S., Starkville
Richardson, Chas., Macon
Roberds, W. G., West Point
Simmons, Hansford L., Columbus
Sims, W. L., Columbus
Spinks, Press, DeKalb
Stennis, John C., DeKalb
Strong, Chas. T., Macon
Stribling, Wm. P., Columbus
Sturdivant, J. I., Columbus, Circuit Judge
Tharp, Phillip A., Columbus
Thompson, W. S., Jr., Columbus
Tubb, T. J., West Point
Walker, B. M., Jr., Starkville
Ward, Will E., Starkville
White, Jas. Monroe, West Point

SEVENTEENTH JUDICIAL DISTRICT

Anderson, L. D., Sumner
Barbee, J. W., Hernando
Blount, J. A., Charleston
Boswell, H. H., Coffeeville
Bowdre, P. H., Hernando
Boyles, J. B., Batesville
Breland, J. J., Sumner
Cannon, R. L., Sumner
Caldwell, J. H., Charleston
Caldwell, J. H., Jr., Charleston
Campbell, A. C., Sumner
Chatham, Gerald W., Hernando
Cofer, Kermit R., Water Valley
Cossar, Geo. P., Charleston
Day, J. O., Tutwiler
Dean, J. F., Senatobia
Dinkins, E. D., Senatobia
Dinkins, E. D., Hernando
Dixon, Vincent, Senatobia
East, W. J., Senatobia
Fant, Herbert, Sardis
Holmes, F. C., Hernando
Holmes, Herbert, Senatobia
Horan, John, Water Valley
Johnson, D. R., Batesville
Johnson, Harper, Senatobia
Johnston, H. Grady, Hernando
Keys, R. Taylor, Sardis
Kimmons, R. F., Water Valley
Kuykendall, Jno. M., Charleston
Kyle, John W., Sardis
Lamb, L. B., Batesville
Lauderdale, D. C., Senatobia
Logan, R. F. B., Hernando
Marshall, Maynard, Charleston
May, J. A., Sumner
McGowen, J. G., Jackson
McClure, James, Jr., Sardis
Moffat, C. H., Senatobia
Perkins, H. J., Batesville
Puryear, L. P., Senatobia
Sanders, Hall W., Charleston
Sledge, N. R., Jr., Senatobia
Stone, Jas., Charleston
Stone, J. P., Coffeeville
Stone, W. I., Coffeeville
Thompson, M. H., Senatobia
Tipton, J. R., Hernando
Ward, J. C., Sumner
Ward, R. L., Sumner
Whitten, A. L., Sumner
Whitten, Jamie L., Charleston
Wilroy, N. E., Hernando
Woods, Cilman, Water Valley

MEMBERS ATTENDING ANNUAL MEETING

Lee D. Hall, Columbia
L. S. Smith, Jr., Holly Springs
Miss Pearl McClelland, Greenwood
Jno. P. Edwards, Mendenhall
C. S. Longino, Clarksdale
Greek P. Rice, Clarksdale
M. F. Pierce, Greenwood
Wm. F. Taylor, Drew
Thompson McClellan, West Point
B. F. Worsham, Corinth
E. S. McIntyre, West Point
L. W. Brown, Starkville
Lester G. Fant, Sr., Holly Springs
Leon F. Hendrick, Jackson
F. W. Hewitt, McComb
S. F. Davis, Indianola
C. C. Dunn, Meridian
Jno. A. Yeager, Lumberton
Hindman Doxey, Holly Springs
W. A. Blair, Tupelo
E. L. Brien, Vicksburg
J. E. Caradine, West Point
Wall Doxey, Holly Springs
C. A. Bratton, Pontotoc
Stone Deavours, Laurel
B. E. Eaton, Gulfport
B. E. Eaton, Jr., Gulfport
R. S. Streit, Jackson
Jeff Busby, Houston
Thos. L. Haman, Houston
Noel Monogham, Tupelo
Frank J. Leftwich, Aberdeen
A. H. Jones, Woodville
H. M. McIntosh, Collins
A. H. Longino, Jackson
O. B. Taylor, Jackson

Terry S. Swalm, Brookhaven
Thomas E. Pegram, Ripley
W. M. Denny, Jackson
C. E. Thompson, Prentiss
Robt. G. Gillespie, Meridian
Jas. A. Cunningham, Booneville
W. H. Cox, Jackson
Ben F. Coursey, Decatur
J. V. Carr, Decatur
R. H. Day, Decatur
L. H. McGehee, McComb
Forest B. Jackson, Jackson
D. R. Johnson, Batesville
H. G. Johnson, Hernando
A. R. Smythe, Batesville
B. B. Allen, Indianola
Webb Venable, Clarksdale
T. A. Hartley, Starkville
C. S. Tubb, Aberdeen
L. Glenn Fant, Jr., Holly Springs
J. H. Price, Magnolia
Luther A. Smith, Hattiesburg
Robt. E. Hauberg, Jackson
H. H. Creekmore, Jackson
Jas. McCluer, Sardis
Frank E. Everett, Indianola
Elbert Johnson, Indianola
Geo. Butler, Jackson
J. M. Hairston, Jackson
C. E. Morgan, Kosciusko
R. G. Wooten, Jackson
J. E. Franklin, Jackson
J.B. Stirling, Jackson
J. G. Smythe, Kosciusko
D. H. Waite, Leland
Richard Denman, Greenwood
Jno. J. O'Neal, Vicksburg
Roy Arnold, Jackson
V. A. Griffith, Jackson
J. A. Leathers, Gulfport
Will S. Wells, Jackson
S. T. Roebuck, Newton
Luther Maples, Gulfport
Sivley Rhodes, Jackson
Rundle Smith, Vicksburg
E. T. Neilson, Lexington
Webster Millsaps, Hazelhurst
H. Mck. Fulgham, Jackson
Ralph L. Landrum, Kosciusko
Cecil E. Inman, Jackson
Will P. Searcy, Jackson
Ed. W. Smith, Clarksdale
E. H. Miller, Cleveland
A. A. Cohn, Brookhaven
Toxey Hall, Columbia
E. B. Sauls, Jr., Brookhaven
Keeton Arnett, Louisville
Chalmers Potter, Jackson
W. C. Trigg, Waynesboro
W. A. Strong, Jr., Louisville
David D. Crawley, Kosciusko
Walker Wood, Jackson
H. C. Barnett, Carthage
A. M. Nelson, Jackson
Drake Arrington, Gulfport
R. W. Arrington, Hazlehurst
J. M. Talbot, Clarksdale
S. H. Long, Tupelo
R. S. Tullos, Raleigh
Louis Cochran, Jackson
C. N. Floyd, Jackson
Wade Creekmore, Jackson
Ralph B. Avery, Jackson
P. Z. Jones, Jr., Jackson
W. R. Newman, Jr., Jackson
D. C. Bramlett, Woodville
R. J. Bishop, Hattiesburg
Ross R. Barnett, Jackson
D. W. Heidelberg, Shubuta
Robt. B. Ricketts, Jackson
E. E. Hindman, Jackson
Frank L. Reich, Louisville
J. Gordon Roach, McComb
Colbert Dudley, Forest
G. Q. Whitfield, Jackson
D. A. McIntosh, Collins
James A. Blunt, Charleston
C. E. Gipson, Monticello
Jack Deavours, Laurel
Tarver McIntosh, Collins
Geo. R. Nobles, Jackson
Homer Currie, Raleigh
Hugh V. Wall, Brookhaven
E. B. Patterson, Monticello
W. H. Cook, Jackson
Joseph J. Smith, Jr., Meridian
G. H. Brandon, Natchez
Wm. Whittington, Greenwood
A. S. Bozaman, Jr., Meridian
Eugene B. Ethridge, Meridian
Wm. Hemmingway, University
E. E. Boon, Marks
J. W. Hopkins, Clarksdale
Clara Melton, Jackson
Winnie Greer, Jackson
L. P. May, Jackson
F. J. Lotterhos, Jackson
Wm. S. Vardaman, Greenwood
R. V. Pollard, Jr., Greenwood
Jno. W. Kyle, Sardis
Geo. H. Ethridge, Jackson
E. L. Snow, Meridian
W. D. Hilton, Mendenhall
Sidney Smith, Jackson
J. H. Price, Indianola
Julia Sheldon, Jackson
Hubert S. Lipscomb, Jackson
R. P. Phillips, Jackson
J. A. Lauderdale, Jackson
R. E. Jackson, Cleveland
B. W. Gilbert, Meridian
L. Barrett Jones, Jackson
J. R. East, Brandon
Jno. L. Buckley, Enterprise

W. F. Latham, Quitman
J. O. S. Sanders, Jr., Jackson
Carl Weil, Port Gibson
O.B. Townsend, Indianola
Earl T. Thomas, Indianola
J. M. Kendall, Charleston
Charles Anderson, Columbus
W. B. Miller, Clarksdale
Sim G. Salter, Hazlehurst
R. M. Boone, Marks
S. M. Alford, Jackson
A. W. Cooper, Forest
W. A. Ellis, Carthage
J. B. Gully, Louisville
O. B. Thomas, Greenville
Tom J. Barnett, Carthage
J. Knox Huff, Forest
Kenneth Horton, Jackson
A. W. McRaney, Magee
E. B. Williams, Meridian
A. R. Foot, Canton
W. Vick Robbins, Vicksburg
A. C. Enochs, Jackson
A. W. Dent, Jackson
J. V. Gipson, Meridian
C. D. Shields, Meridian
Stokes V. Robertson, Jackson
Percy M. Lee, Forest
B. M. Brady, Jackson
M. M. Roberts, Hattiesburg
R. T. Hilton, Jackson
G. W. Green, Jr., Jackson
Reynolds Cheney, Jackson
P. B. Cameron, Meridian
J. H. Price, Jr., Magnolia
John A. Clark, DeKalb
Roy P. Noble, Laurel
C. D. Williams, Yazoo City
Edgar M. Lane, Raleigh
D. M. Anderson, Newton
Sid Powell, Canton
R. H. Knox, Jackson
Geo. B. Power, Jackson
Louis C. Hallam, Jackson
P. H. Eager, Jr., Jackson
K. G. Price, McComb
Robt. R. Wallace, Meridian
L. G. North, Belzoni
T. C. Kimbrough, University, Miss.
T. Price Dale, Hattiesburg
T. P. Guyton, Kosciusko
E. C. Sharp, Booneville
R. C. Stovall, Okolona
A. H. Bell, Greenwood
J. H. Short, Vicksburg
Carroll J. McLaurin, Raleigh
Lester M. Sack, Clarksdale
J. O. Day, Tutwiler
Herbert Nunnery, Jackson
L. C. Andrews, Oxford
Walter W. Capers, Jackson
G. Mounger, Greenwood
A. C. Denny, Meridian
M. A. Pilgrim, Jackson
C. H. Westbrook, Meridian
C. O. Jaap, Jr., Jackson
Geo. L. Teat, Jackson
S. L. McLaurin, Brandon
J. L. Byrd, Jackson
Ben F. Cameron, Meridian
W. H. Jones, Newton
Jno. T. Armstrong, Hazelhurst
J. C. Stennett, Jackson
Leighton S. Miller, Clarksdale
Evon A. Ford, Tylertown
Roy J. Goss, Columbia
Wm. A. Schmitt, Clarksdale
D. Miller, Clarksdale
R. H. Jones, Brookhaven
R. H. Nason, Belzoni
H. C. McCabe, Vicksburg
J. Morgan Stevens, Jackson
W. J. Pack, Laurel
Geo. W. Currie, Hattiesburg
A. M. Edwards, Mendenhall
J. N. Flowers, Jackson
Chas. L. Garnett, Columbus
A. T. Stovall, Okolona
Ben H. McFarland, Aberdeen
W. R. Easterling, Fayette
B. R. Nichols, Scott
W. S. Welch, Laurel
W. Calvin Wells, Jr., Jackson
R. L. Dent, Vicksburg
F. W. Featherston, Indianola
Robt. E. Nason, Ackerman
W. G. Roberts, West Point
Robt. S. Phifer, Jackson
J. H. O'Neal, Clarksdale
R. D. Everett, Ruleville
R. L. Dent, Jr., Vicksburg
J. E. Rankin, Tupelo
R. W. Bordeaux, Meridian
R. A. Darden, Jackson
R. W. Cutrer, Magnolia
Edwin White, Lexington
S. L. Fortenberry, Oxford
H. M. Love, Jr., Yazoo City
Russell Wright, Meridian
C. M. Wright, Meridian
Whitfield Pierce, Jackson
J. H. Garth, Hazlehurst
J. M. Travis, Meridian
J. S. Wilson, Jackson
John Brunini, Vicksburg
Jno. P. Edwards, Mendenhall
A. C. Campbell, Tutwiler
E. L. Dent, Collins
S. E. Travis, Hattiesburg
J. K. Travis, Hattiesburg
R. S. Majure, Newton
Aiken Brook, Meridian
Niles Moseley, Jackson
A. S. Bozeman, Meridian

Mrs. Ruth L. Walker, Hattiesburg
Lester Clark, Hattiesburg
C. C. Smith, Richton
R. J. Petty, Greenwood
J. N. Ogden, Magnolia
Leon L. Wheeless, Port Gibson
Jos. H. Howie, Jackson
B. F. Smythe, Forest
Alexander Currie, Hattiesburg
Norfleet R. Sledge, Senatobia
Hubert Holmes, Senatobia
Wm. Haralson, Hattiesburg
Gabe Jacobson, Meridian
Marshall W. Amis, Meridian
E. J. Cueeie, Hattiesburg
W. H. Sanford, Jr., Philadelphia
Earl Richardson, Philadelphia
W. W. Pierce, Jackson
F. C. Hathorn, Hattiesburg
R. R. Hardy, Jackson
Mrs. Ruth Franck, Jackson
J. D. Thames, Jr., Vicksburg
J. D. Thames, Vicksburg
C. I. Lester, Jackson
Grayson B. Keeton, Picayune
H. B. Roberts, Crystal Springs
Fred B. Smith, Ripley
W. S. Henley, Hazelhurst
M. Ney Williams, Raymond
Cilman Woods, Water Valley
W. S. Richardson, Philadelphia
Marian W. Reiley, Meridian
W. A. Geisenberger, Natchez
Carter Stirling, Jackson
J. M. Scott, Carthage
Hugh McIntosh, Jr., Collins
G. Garland Lyell, Jackson
Forest Cooper, Indianola
Robt. Collins, Jackson
Judge J. G. McGowan, Jackson
P. W. Allen, Indianola
L. J. Calhoun, Jackson
W. J. Vollor, Vicksburg
Landman Teller, Vicksburg
Leonard Nelson, Vicksburg
I. W. Day, Kosciusko
Nate S. Williamson, Meridian
Lucy S. Howorth, Jackson
Jos. M. Howorth, Jackson
Chas. B. Snow, Jackson
W. Calvin Wells, Jackson
J. W. Cassedy, Jackson
J. H. Thompson, Jackson
Miss Allee Dunn, Jackson
Wm. A. Shipman, Jackson
Fulton Thompson, Jackson
E. M. Livingston, Louisville
Robt. H. Dale, Columbia
Cecil F. Travis, Jackson
Paul Chambers, Jackson
J. B. Franklin, Jackson
Geo. W. Aiken, Meridian
Allen C. Thompson, Jackson
J. M. Stevens, Jr., Jackson
E. P. Jones, Jr., Jackson
Mrs. T. L. Hays, Hattiesburg
Rufus Creekmore, Jackson
Nelson E. Taylor, Greenwood
Sebe Dale, Columbia
S. C. Broom, Jackson
Jno. H. Fox, Jr., Jackson
Chas. S. Campbell, Jackson
Clyde Hester, Jackson
Henry Mounger, Columbia
Joe F. Allen, Kosciusko
Jno. F. Allen, Kosciusko
J. J. Breland, Sumner
J. D. Guyton, Kosciusko
R. R. Norquist, Yazoo City
T. H. Campbell, Yazoo City
T. H. Campbell, Jr., Yazoo City
Jos. B. Bayler, Batesville
L. Louis Peyton, Jackson
Cephus Anderson, Hattiesburg
E. L. Trenholm, Jackson
R. W. Boydstun, Louisville
B. B. McClendon, Jackson
L. C. Franklin, Jackson
J. G. Holmes, Yazoo City
H. B. Gillespie, Raymond
Robt. H. Powell, Canton
M. B. Montgomery, Yazoo City
Jno. Culkin, Vicksburg
J. K. Hirsch, Vicksburg
O. B. Triplett, Jr., Forest
Jno. G. Burkett, Jackson
J. M. Forman, Jackson
J. G. Smythe, Jr., Kosciusko
Jno. P. Love, Kosciusko
Clifton E. Bryant, Jackson
Leo Horan, Jackson
S. B. Berry, Hattiesburg
E. R. Wall, Newton
Harry M. Bryan, Jackson
Hugh B. Miller, Hazlehurst
L. L. Ray, Jackson
Jno. C. Stennis, DeKalb
J. C. Mims, Jr., Grenada
L. R. Horne, Jackson
Julian P. Alexander, Jackson
Thos. Fite Paine, Aberdeen
R. C. Russell, Magee
W. D. Conn, Jr., Jackson
Emmett Ward, Vicksburg
J. Wesley Miller, Kosciusko
J. W. Backstrom, Leakesville
R. W. Collins, Jr., Jackson
W. E. McIntyre, Brandon
S. V. Little, Mize
W. B. Fontaine, Jackson
W. H. Watkins, Jackson
J. B. Truly, Jackson
John B. Higgins, Jackson
Lee M. Russell, Jackson

J. C. Shivers, Poplarville
H. H. Parker, Poplarville
Robt. B. Terry, Jackson
R. E. Wilbourn, Meridian
Holt E. J. Ross, Laurel
J. W. Green, Jackson
Louis M. Jiggitts, Jackson
M. M. McGowan, Jackson
A. R. Shoemaker, Jackson
J. C. Satterfield, Jackson
John W. Crisler, Clarksdale
Robt. R. Dinsmore, Jackson
C. E. Johnson, Union
Louis Dailey, Jackson
Greek L. Rice, Jackson
M. S. McFail, Hazlehurst
C. F. Pittman, Hattiesburg
W. A. Johnson, Newton
L. C. Corban, Biloxi
Walter Wadlington, Biloxi
T. W. Davis, Purvis
T. J. Wills, Hattiesburg
C. Fredric Burnaman, Jackson
W. E. Gore, Jackson
Thos. L. Bailey, Meridian
A. J. von Bloombergh, Jackson
Simon Rosenthal, Jackson
Earle L. Wingo, Hattiesburg
Ben Stevens, Hattiesburg
C. W. Sullivan, Hattiesburg
Thos. Mitchell, Magnolia
W. M. Snyder, Jackson
Lester E. Wills, Meridian
Ben Wilkes, Greenville
H. B. Greaves, Canton
S. B. Laub, Natchez
A. J. McLaurin, Jackson
Bert Crisler, Jackson
Lucien C. Gwin, Natchez
Thos. S. Bratton, Jackson
A. J. Coleman, Vaiden
W. G. McLain, McComb
J. J. Cassidy, McComb
Luther Manship, Jackson
Eugene Palmer, Jackson
J. O. S. Sanders, Jackson
E. B. Taylor, Shelby
Jeptha S. Barbour, Jackson
Percy Bell, Greenville
J. P. Arbuthnot, Jackson
F. W. Bradshaw, Jackson
P. C. Canizaro, Vicksburg
J. P. Canizaro, Vicksburg
P. C. Canizaro, Jr., Vicksburg
F. Holt Montgomery, Laurel
A. Y. Harper, Jackson
Walter A. Scott, Jr., Jackson
L. E. Grice, Crystal Springs
P. Patton Perritt, Wesson
W. L. Guice, Belzoni
George Bean, Okolona
W. I. Munn, Newton
A. B. Anis, Jr., Newton
H. J. Wilson, Hazlehurst
Lem Smith, Jackson
C. C. Case, Jackson